

Installation and use of Digital Advertising Sign – Enmore Road, Newtown

Part 4 Development Application (DA 22/7946) – Assessment Report

August 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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(DA 22/7946) Assessment Report

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the Development Application lodged by Sydney Trains for the installation and operation of advertisement signage located between Enmore Road and the railway corridor in Newtown. The report includes:

- an explanation of why the project is a Crown Development Application and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable, and
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the project should be granted and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of the Development Application (DA 22/7946) for the construction of digital signage in the railway corridor on Enmore Road, Newtown.

Project

Sydney Trains (the Applicant) proposes to install and operate a new digital advertising monopole sign on the southern side of the existing railway corridor adjacent to Enmore Road and remove six existing static signs on the roadside wall of the railway overbridge on Enmore Road.

The project is located in the Inner West Council local government area (LGA) and has a capital investment value of \$801,350.

Statutory context

The project is a Part 4 Crown Development Application under Part 4, Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is proposed by a public authority. Section 2.94 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), prescribes a public authority as the Crown for the purposes for development under Division 4.6.

Pursuant to section 3.10(c) of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP), the Minister is the consent authority for the project as it is an advertisement displayed by Sydney Trains on a railway corridor. In accordance with the Minister's delegation dated 9 March 2022, the Deputy Secretary, Development Assessment and Sustainability may determine the application under delegation.

The application is permissible with consent.

Engagement

The Department exhibited the development application for 15 days from Thursday 14 March 2024 until Thursday 28 March 2024. During the exhibition period:

- the Department received twenty-two submissions from the public, all objecting to the proposed signage. Issues raised included heritage, design and site suitability, road safety and illumination
- Inner West Council and City of Sydney Council were notified of the proposed development. Both objected to the proposed development

- Transport for NSW (TfNSW) was notified and provided recommended conditions of consent
- Heritage NSW was notified and objected to the proposal.

The Applicant provided a response to the submissions and advice from TfNSW and Heritage NSW. It also provided responses to requests for information from the Department on potential biodiversity impacts, connection to utilities and construction activities.

Assessment

Heritage

The proposed signage will be a modern element within the King Street and Enmore Road Heritage Conservation Area, and adjacent to the State heritage listed Newtown Railway Station group. However, it is considered that the juxtaposition is acceptable as the existing landscape is characterised by differing visual elements and architectural styles that are not in keeping with the heritage aesthetics.

The proposed development has also been amended so that the proposed sign is relocated outside the State heritage curtilage and no longer physically attached to the railway overbridge structure (being an item of State heritage significance). The proposed development as amended will also remove six existing static signs attached to the railway overbridge. The Department considers this would reduce clutter and improve the visual quality of the heritage-listed railway overbridge.

Design and site suitability

The proposed signage has been designed to a high quality and finish. The proposed location adjacent to Enmore Road, Newtown, is considered suitable as the proposed signage would not have a significant impact on the local landscape character which is highly urbanised. Further, the proposed signage would be located within the King Street and Enmore Road Commercial Precinct defined in the Marrickville DCP 2011. This Precinct has a focus on mixed-use, retail and commercial purposes along the busy thoroughfares of King Street and Enmore Road. The Department considers that the proposed development would not detract from the aesthetic value of the area which is characterised by a mixture of heritage and modern commercial, residential and railway buildings, road and rail infrastructure and business signage.

Road safety

The proposed signage would be located thirty-four metres beyond the stopping sight distance of the nearest signalised intersection. The proposed signage would be unlikely to significantly increase

the risk of a driver being distracted and unable to stop safely at the nearby intersection at Enmore Road / King Street. However, the Department has taken a precautionary approach and recommended a Road Safety Assessment be undertaken within 12-18 months of the operation of the sign. If any safety matters are identified, rectification works must be undertaken.

Illumination

The proposed signage would meet the relevant requirements for luminance and should not have adverse illumination impacts on nearby residents, subject to the recommended conditions of consent.

Conclusion

Overall, the Department's assessment concludes the project would provide public benefit as the revenue raised from leasing the site for advertising would be reinvested into the Sydney Trains network, resulting in an overall improved public transport system and experience. The proposed signage would also be made available (at no cost) for community, road safety and emergency messaging.

It is recommended that the proposed development be approved, subject to conditions.

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1 Introduction

1.1 The project

Sydney Trains (the Applicant) proposes to construct and operate a digital advertising sign (the proposed signage) within the existing railway corridor on the western side of Enmore Road at Newtown.

The project description and mitigation measures provided in the Statement of Environmental Effects and response to requests for information dated 7 May 2024 are the subject of this report and will form part of the development consent if the development is approved. An overview of the proposed development is provided in **Section 2**.

The development application has been lodged for consideration under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Project location

The proposed signage would be located in a Sydney Trains railway corridor close to the intersection of Enmore Road and King Street, Newtown (**Figure 1**). The site is legally described as Lot 3 DP 239081 and is in the Inner West local government area (LGA).



Figure 1 | Site location showing indicative view of the proposed signage from Enmore Road
(Source: Statement of Environmental Effects)

The nearest crossroad on approach to the proposed signage is King Street (approximately 55 metres north). At this location, when heading in a north-easterly direction, Enmore Road transitions from two lanes to three lanes with an additional bus lane commencing in the vicinity of the proposed signage. King Street continues as three lanes until intersecting with Wilson Street and Eliza Street, approximately 140 metres north-east of the proposed signage, where it reverts to two lanes.

When heading south-west along King Street, at around 120 metres from the proposed signage, King Street forks to become Enmore Road and King Street. Both roads comprise two lanes. A “B” signal bus priority lane is provided in the vicinity of the fork (**Figure 2**). The speed limit along Enmore Road and King Street is 40 km/h in both directions.

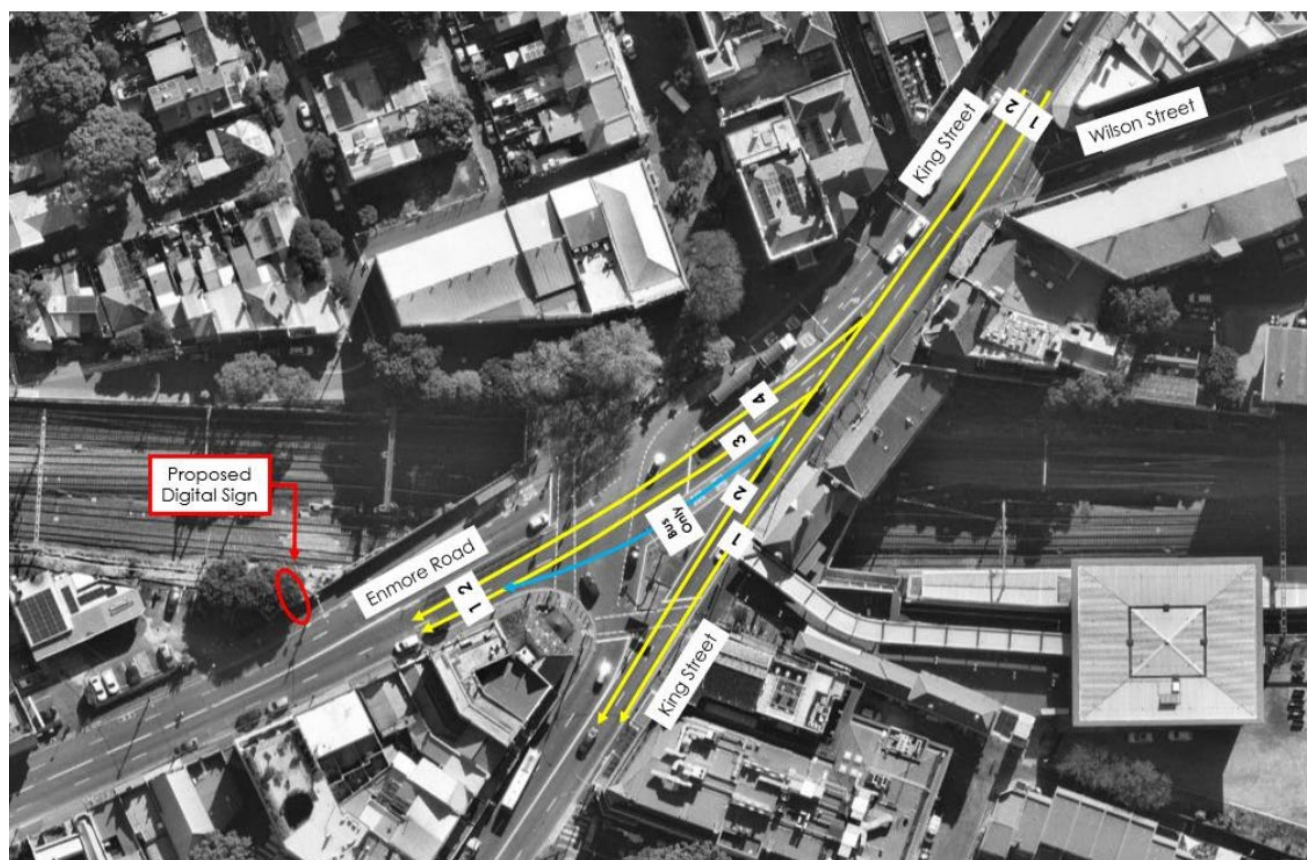


Figure 2 | Lane configuration approaching the proposed signage (Source: Statement of Environmental Effects)

1.3 Surrounding context

The site is highly urbanised with land uses surrounding the proposed development site including:

- one to three storey commercial uses
- shop-top housing

- residential development approximately 50 metres north of the proposed development on the north side of the rail corridor
- State and local heritage items, including the State listed Newtown Railway Station Group, and
- Newtown train station and the T2 train line / rail corridor.

Figure 3 shows the local context.



Figure 3 | Site context map (Source: Statement of Environmental Effects)

1.4 Project amendments

On 8 June 2022, the Applicant submitted a development application (DA22/7964) seeking approval for two single-sided digital advertising signs (facing east and west) – one on Enmore Road and one on King Street. The proposed signs were located within the ‘Newtown Railway Station group and Former Newtown Tramway Depot’ State heritage item curtilage.

TfNSW advised the Applicant they did not support the King Street sign due to traffic safety impacts. The Applicant revised the scope to remove the King Street sign and an amended development application was lodged on 9 September 2022 for a single facing sign on Enmore Road. The development application was exhibited. No public submissions were received. Inner West Council and City of Sydney objected to the proposal. Heritage NSW refused to grant General Terms of Approval (GTAs) due to the impacts of the sign on the heritage significance of the railway overbridge.

A revised design was submitted in April 2023 and included changes to the design to minimise its bulk and scale. Heritage NSW again refused to grant GTAs.

Subsequently, the Applicant decided to relocate the proposed signage 30 metres to the west of the original location on Enmore Road, outside of the State heritage curtilage and reorientate the proposed signage to face east towards westbound traffic on Enmore Road. This amended proposal is the subject of this report. Details on the amendments are provided in **Appendix A**.

2 Project

2.1 Project overview

The proposal seeks consent for:

- the installation and use of a new digital advertising monopole sign on the southern side of the existing railway corridor adjacent to Enmore Road, and
- removal of six existing static signs on the roadside wall of the railway overbridge on Enmore Road.

Advertisements would only be screened on the eastern side of the monopole which would be oriented towards motorists travelling south-west along Enmore Road and King Street. The back of the proposed signage would comprise silver perforated aluminium panels.

The estimated cost of the works is \$435,050.

Details of the proposed signage are outlined in **Table 1** and shown in **Figure 4** to **Figure 7**.

Table 1 | Details of the proposed signage

Aspect	Sign
Advertising display area including logo strip	14.93 m ² (3.172 m x 4.708 m) + 1.586 m ² (3.172 m x 0.5m) logo strip = 16.51 m ² (3.172 m x 5.208 m)
Active digital display area	14.16 m ² (4.608 m X 3.072 m)
Total Height (including the frame)	8.15 metres above the adjacent Enmore Rd footpath
Monopole dimensions	Stainless-steel cladding column: 1.85 m x 0.65 m x 0.45 m L-Shaped stainless-steel structure: 1.50 m x 0.65 m x 3.17 m
Signage display	Digital LED Screen
Display type	Static digital advertisements
Dwell time	60 seconds. Transition time of 0.1 seconds between images, which appears instantaneous.
Maximum luminance limit during nighttime period	200 cd/m ²
Hours of operation	24 hours a day, 7 days a week

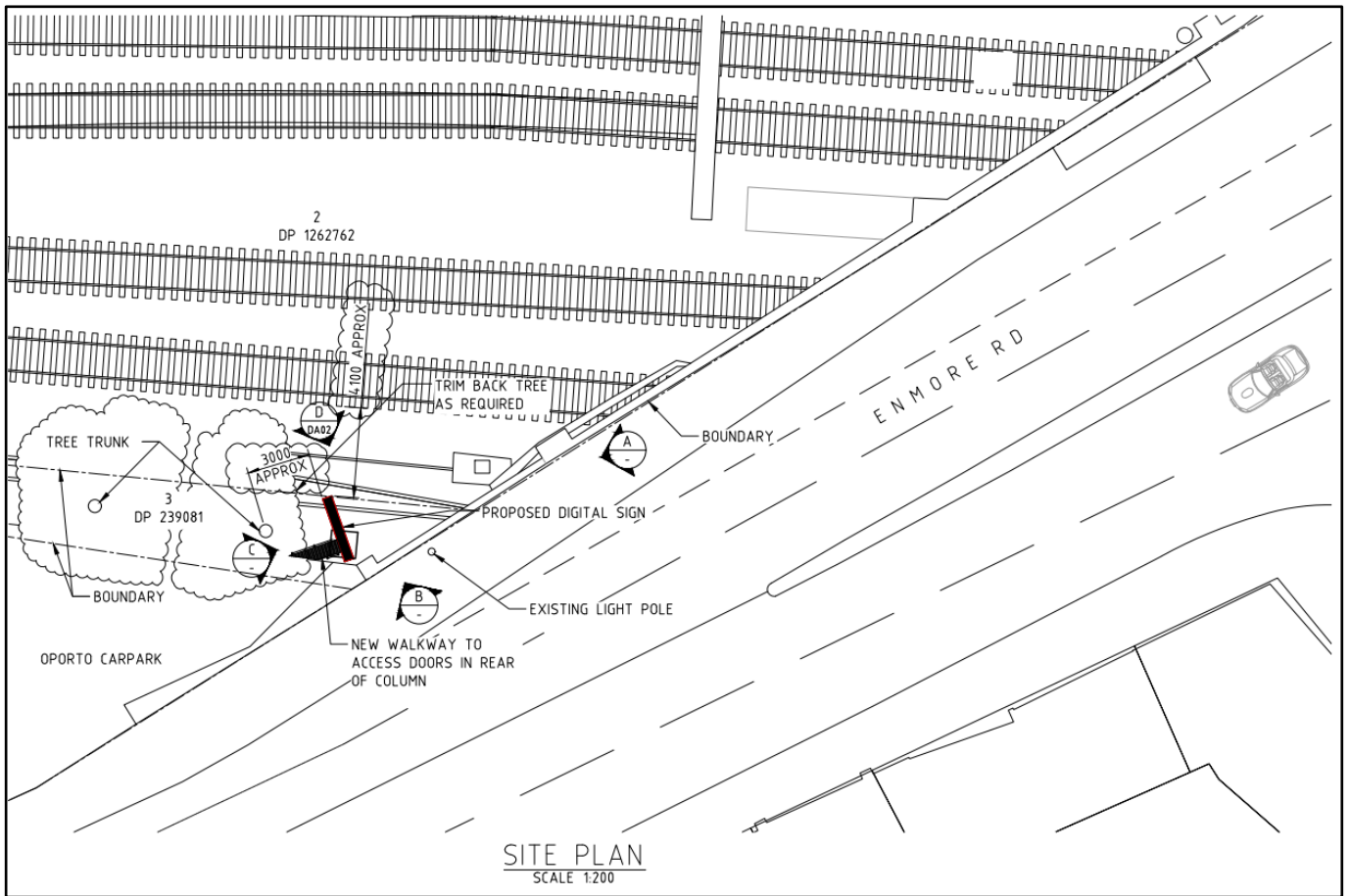


Figure 4 | Site Plan (Source: Dennis Bunt Consulting Engineers)

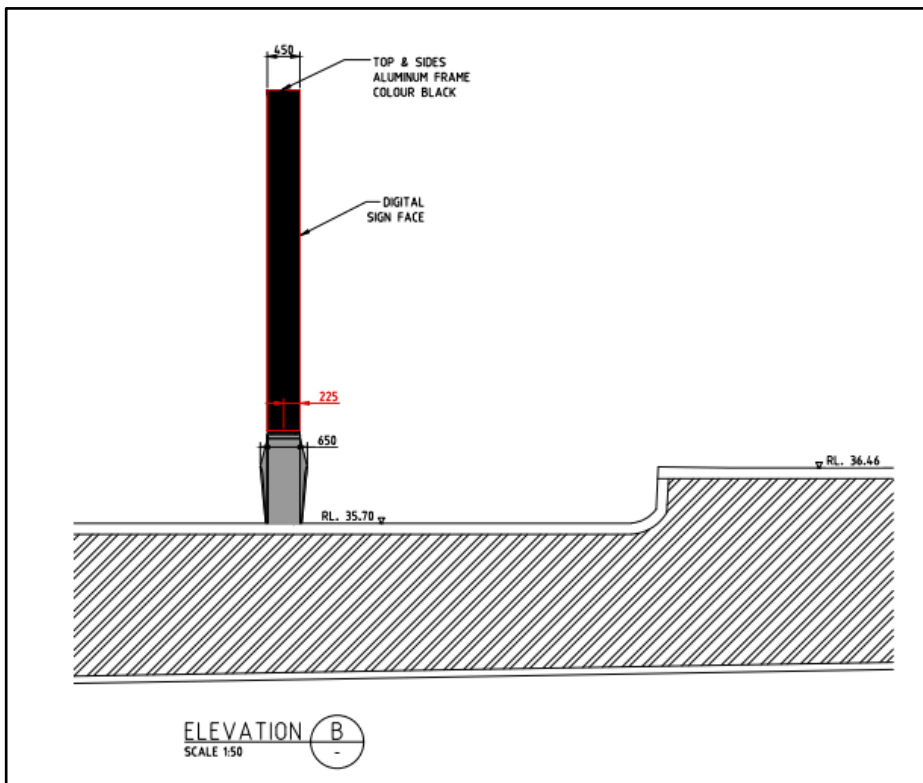


Figure 5 | Elevation B of proposed signage (Source: Dennis Bunt Consulting Engineers)

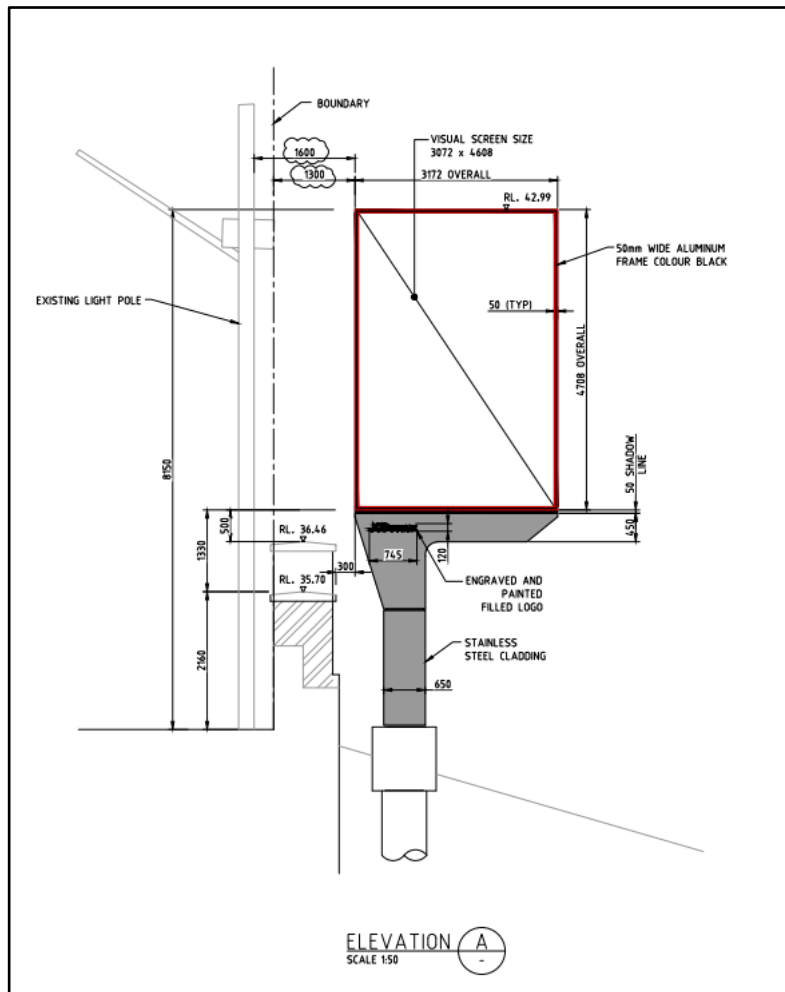


Figure 6 | Elevation A of proposed signage (Source: Dennis Bunt Consulting Engineers)

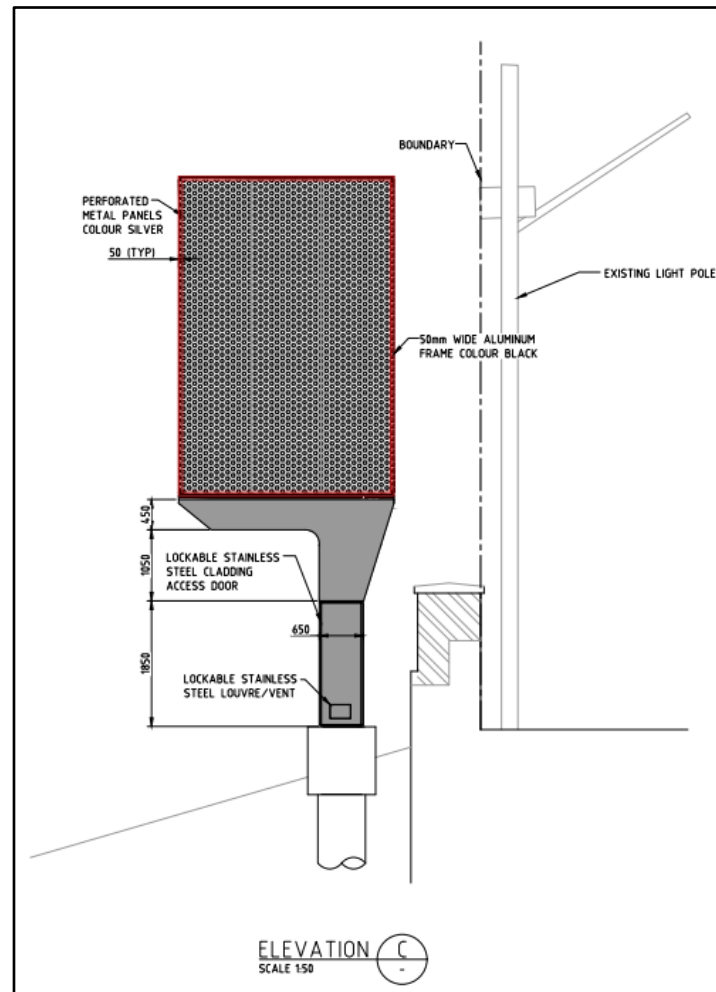


Figure 7 | Elevation C of proposed signage (Source: Dennis Bunt Consulting Engineers)

2.2 Uses and activities

The proposed signage would primarily display advertisements. It would also be made available for road safety and community messaging. The display would not scroll, flash or feature motion pictures or emit intermittent light. The LED brightness would be controlled to provide upper and lower thresholds, and automatically via a local light sensor, to adjust to ambient lighting conditions and any post curfew illuminance limits.

Advertising copy material would comply with the Australian Advertising Industry Code of Conduct and Outdoor Media Association (OMA) Code of Conduct.

Maintenance would be performed as required by staff from JCDecaux at night.

2.3 Construction

The proposed signage would be installed over a period of up to two weeks. Construction is proposed to be undertaken over the daytime (6:00 am to 6:00 pm) and nighttime (6:00 pm to 6:00 am). Closure of two lanes on Enmore Road would need to occur for several nights over a 4-6 week period from 9:00 pm to 5:00 am. Traffic control would be present on Enmore Road to assist in the flow of traffic. Additionally, the north-western pedestrian path would need to be closed for the entirety of the night works. A rail possession would not be required.

Equipment used to carry out the construction include a hook truck for skip bins, drill rig, crane, concrete pump and agitator, elevated work platforms, wire and cloth slings, electric power tools as well as skip bins. These would be carried over the pedestrian footpath via a crane from the two westernmost lanes of Enmore Road.

The proposed pile cap would be one metre squared in area and one metre deep as well as a concrete pile approximately 750 millimetres in diameter, extending below the ground level by approximately eight metres. Management measures would be implemented if unstable ground conditions are found on site (i.e. non-cohesive soils).

Services and assets will be installed and include:

- isolation padmount transformer
- metering and distribution main switchboard
- low voltage underground cables.

These will be subject to separate approvals.

No trees are proposed to be removed during construction or operation of the proposed signage.

3 Statutory context

3.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the proposed signage are provided in **Table 2**.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	<p>Part 4 Crown Development Application</p> <p>The development is a Crown development application under Division 4.6, section 4.32(2)(a) of the EP&A Act because it is an application made by the Crown. Section 294(a) of the <i>Environmental Planning and Assessment Regulation</i> (EP&A Regulation) prescribes public authorities (other than a council) as the Crown for the purposes of section 4.32(2)(a) of the EP&A Act. Sydney Trains is a public authority.</p> <p>The application will be assessed under Part 4 of the EP&A Act.</p>
Consent authority	<p>Minister for Planning and Public Spaces (the Minister) (or their delegate)</p> <p>The Minister for Planning and Public Spaces is the consent authority for the application as prescribed under section 3.10(c) of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP) as the application is for an advertisement displayed by Sydney Trains on a railway corridor.</p>
Decision-maker	<p>Deputy Secretary, Development Assessment and Sustainability</p> <p>In accordance with the Minister's delegation dated 9 March 2022, the Deputy Secretary, Development Assessment and Sustainability may determine the application as:</p> <ul style="list-style-type: none">• the application has not been made by a person who has disclosed a reportable political donation• there are more than 15 public submissions in the nature of objections, and• the council has made a submission by way of objection.
Permissibility	<p>Permissible with consent</p> <p>The site is zoned SP2 Infrastructure under the Inner West Local Environment Plan 2022 (Inner West LEP).</p> <p>Section 3.14 of the Industry and Employment SEPP states that despite the provisions of any environmental planning instrument (EPI), or section 3.8 of the Industry and</p>

Consideration	Description
	<p>Employment SEPP, the display of an advertisement by or on behalf of Sydney Trains on a railway corridor is permissible with development consent. Railway corridor is defined in section 3.2 of the Industry and Employment SEPP to include land zoned for railway purposes under an EPI.</p> <p>The proposed signage would be on land zoned SP2 Rail Infrastructure Facilities and so would be on a railway corridor. As such, the development is permissible with consent.</p>

3.2 Other approvals and authorisations

The proposed development will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

Under section 4.44 of the EP&A Act, certain other integrated development approvals are not required to be obtained for Crown Developments, other than development that requires a heritage approval. The proposed development was previously within the curtilage of the Newtown Railway Station State heritage item. The amended development proposes a different location approximately five metres outside the curtilage. The amended development does not require heritage approval.

Under section 23 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), a development application may be made by another person with the written consent of the owner of the land. However, the consent of a landowner is not required for a development application made by a public authority if it complies with section 23(3) of the EP&A Regulation. This requires the public authority to give notice to the landowner before the application is made.

The development application has been lodged by Sydney Trains (a public authority) and it has given notice to the landowner - Transport Asset Holding Entity (TAHE). TAHE has provided landowner consent, even though this is not required.

3.3 Mandatory matters for consideration

3.3.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 3**.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>The relevant EPIs and development control plans are:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Inner West Local Environmental Plan 2022</i> • <i>Marrickville Development Control Plan 2011</i> (Marrickville DCP) <p>Detailed consideration of the relevant provisions of the EPIs and DCP is provided in Appendix F. The Department is satisfied that the development generally complies with the relevant provisions of the environmental planning instruments and development control plan.</p>
EP&A Regulation	<p>Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 13) and consultation with relevant authorities via the NSW Planning Portal (Part 15, Division 4) have been complied with.</p>
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 5.1 – Design and site suitability
Public submissions	Section 4 - Engagement
Public interest	Section 4 - Engagement, Section 5 – Assessment, Section 6 – Evaluation, Appendix E – Community views

3.3.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act. These objects are set out in section 1.3 of the EP&A Act and include the principles of ecologically sustainable development. Consideration of the objects is provided in **Table F-1**.

The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ecologically sustainable development.

3.3.3 Biodiversity development assessment report

Section 7.7 of the *Biodiversity Conservation Act 2016* (BC Act) requires Part 4 Development Applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) if the proposed development is likely to significantly affect the threatened species.

The Applicant engaged 'écologique' to undertake a Test of Significance in accordance with section 7.3 of the BC Act to determine if construction and operation of the proposed signage is likely significantly affect threatened species or ecological communities, or their habitats. The test concluded that there would be no significant impact. As such, a BDAR is not required to be provided with the development application.

4 Engagement

4.1 Exhibition of the development application

4.1.1 Public exhibition of the development application

After accepting the development application and Statement of Environmental Effects, the Department:

- publicly exhibited the development application from Thursday 14 March 2024 until Thursday 28 March 2024
- notified occupiers and landowners in the vicinity of the site about the public exhibition, and
- notified and invited comment from Transport for NSW (TfNSW), Heritage NSW, Inner West Council and City of Sydney.

During the public exhibition period, the Department:

- received twenty-two submissions (all unique submissions) from the public objecting to the proposal
- two objecting submissions from councils, and
- no other submissions commenting on or supporting the development application.

4.1.2 Summary of advice received from government agencies

The Department received advice from Transport for NSW. The advice did not object to the application and provided recommended conditions regarding:

- the types of images to be displayed on the proposed signage
- requirements for compliance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (the Guidelines)
- dwell times (minimum 60 seconds)
- requirement for an independent Road Safety Assessment (RSA), and
- the need to obtain a Road Occupancy Licence for any works that may impact traffic flows on Enmore Road.

Heritage NSW provided advice on 02 May 2024, objecting to the application. Heritage NSW noted that the application is outside the State heritage curtilage and raised concerns that the proposed signage would have detrimental impacts on the aesthetic and social values of the adjacent State

heritage register item, Newtown Railway Station group and Former Newtown Tram Depot, and its surrounding environment.

4.1.3 Summary of council submissions

Inner West Council objected to the development application and raised the following issues:

- the applicant has not provided adequate detail regarding the contents of advertising to meet the requirements of Clause 3.14 of the Industry and Employment SEPP
- the proposed signage is inconsistent with the land use objectives in the Inner West LEP
- the proposed signage will negatively impact the heritage ‘character’ of the area
- the proposed signage will present an adverse visual impact to the surrounding residential properties, especially at nighttime
- the Statement of Environmental Effects has provided insufficient detail of the contents of the advertising to satisfy the traffic safety requirements, and
- the Arboricultural Impact Appraisal and Method Statement was prepared without access to the site. The dimensions contained in the statement were estimated, thus inadequate.

The City of Sydney objected to the project and raised the following issues:

- aside from the changed location, no significant changes or genuine efforts to alleviate the issues with the proposed signage have been proposed
- the proposed signage would be visible from within the curtilage of the State heritage item, is within the King Street and Enmore Road Heritage Conservation Area (Inner West LEP) and adjacent to the King Street Heritage Conservation Area (Sydney LEP) and will detract from, and be inconsistent with, the heritage significance of the area
- the proposed signage is excessive in height and scale and contributes detrimental visual bulk and clutter, and
- the Applicant has not proposed any public benefit other than to create revenue for Sydney Trains.

4.1.4 Summary of public submissions

The Department received twenty-two public submissions during the public exhibition period, all of which objected to the project. None of the submissions were from the postal addresses that were notified by the Department about the exhibition. **Table 4** summarises the key issues raised in submissions. A link to all submissions is provided in **Appendix C**.

Table 4 | Key issues raised in submissions

Issue
Heritage <ul style="list-style-type: none">detracts from the heritage value of the area
Design and site suitability <ul style="list-style-type: none">inconsistent with the aesthetic and visual identity of the areadetracts from amenity and unique character of the areathe proposed signage is too largeexisting signage along the surrounding road corridor is of an adequate quantity and has high visual interestlocal businesses predominate the local centre corridorincompatible with the pedestrian-friendly areaexisting static advertising located on the King St overbridge is more consistent with the existing and desired character of the area than the proposed signageexcessive commercialisation of public space
Traffic/Road Hazard <ul style="list-style-type: none">Enmore Road/King St intersection is already busy with merging lanes, adding a digital sign will increase distraction to road userslight emitted by the signage display could blind drivers and pedestriansintoxicated pedestrians frequent the area
Lumination <ul style="list-style-type: none">light emitted by the proposed signage will disrupt residents

4.2 Response to submissions

Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions. The Applicant provided a response to submissions report to the Department on 7 May 2024 (see **Appendix D**).

The Department published the response to submissions report on the NSW Planning Portal and forwarded a copy to Inner West Council for comment. Inner West Council did not provide comments on the report.

4.3 Request for further information

On 22 March 2024, the Department requested the Applicant provide further information on:

- the proposed construction works (including any nighttime works), potential construction impacts and mitigation measures to manage the impacts
- the required ongoing vegetation management and the potential for impact on threatened species and ecological communities, and
- whether connection of the proposed signage to utilities is included in the scope of works.

The Applicant provided a response to the request for information concurrently with the response to submissions report on 07 May 2024 (**Appendix D**).

4.4 Site inspections

The Department undertook site inspections of the proposed signage site and surrounds in January and April 2024 to obtain an understanding of the local environment, its sensitivities, the visual catchment and issues raised in submissions.

5 Assessment

The Department has reviewed the Applicant's Statement of Environmental Effects, supporting information, response to submissions report and responses to requests for information, and considered the potential impacts of the proposed signage. Based on this, the Department considers the key issues associated with the construction and operation of the proposed signage are:

- design and site suitability
- visual impacts
- heritage
- illumination impacts, and
- road safety.

5.1 Design and site suitability

5.1.1 Design

The proposed signage has a high-quality architectural design which has been revised to minimise bulk.

The proposal seeks approval for a new digital advertising sign with an overall advertising display area of 16.51 m² (including the logo strip). The proposed signage would be in a newly designed portrait style known as the Aspire. The Aspire sign has been architecturally designed and has a modern aesthetic, with an L-shaped pole rather than the more conventional straight monopole design. The proposed signage would be manufactured using recyclable stainless-steel cladding and powered by green energy sources.

The amended design has addressed design issues raised by the Department on the scale of the structure by reducing the depth of the sign by 1.05 metres to 0.45 metres. Additionally, exterior elements including an access gantry and ladder have been removed from the design. The proposed signage has a simple, modern design and is unlikely to detract from the aesthetic value of the area which is characterised by a mixture of heritage and modern commercial, residential and railway buildings, road and rail infrastructure and business signage (**Figure 8**).



Figure 8 | Proposed signage design in the context of the local area
(Source: Statement of Environmental Effects)

5.1.2 Site suitability

The proposed location is suitable as the proposed signage would not have a significant impact on the local landscape character which is highly urbanised.

The Department considers that the site is suitable for the proposed signage as:

- the proposed signage complies with the locational criteria in the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2019) (referred to as the 2017 Guidelines herein) (refer **Table F-6**)
- the proposed signage would be located in a railway corridor and surrounded by mixed development
- although the proposed signage would be adjacent to a heritage listed railway overpass, there would be no direct physical impacts on the item or other Aboriginal or Environmental heritage items or on heritage conservation zones (refer **Section 5.3**)
- construction and operation of the proposed signage would not have a significant impact on threatened species or ecological communities (refer **Section 5.6**)
- the proposed signage would not impact on the continued and safe operation of Enmore Road and King Street in their function as classified roads (refer **Section 5.5**), and
- the proposed signage would not obstruct a view line or any significant views (refer **Section 5.2**).

5.2 Visual impacts

The proposed signage will have a low-moderate visual impact on residents, retailers and pedestrians depending on their viewing distance.

The proposed signage would be located on a vegetated railway embankment area behind a palisade fence fronting Enmore Road. The side and back of the proposed signage would be visible from residences at 8 Enmore Road (opposite the proposed signage). The front would be visible to pedestrians and motor vehicles on Enmore Road travelling south-west. It would also be visible from the commercial premises to the north /north-east, when exiting Newtown Station, from the intersection of King Street and Enmore Road, and from the public domain of Pride Square (approximately 50 metres to the north-east).

During the exhibition, the Department received 22 public submissions objecting to the proposed signage, of which 63% raised concern on visual impacts. In addition, Inner West Council and City of Sydney raised concern over the scale of the proposed signage and potential adverse visual impact.

The most relevant methodology to assess visual impact for proposed development within a railway corridor in NSW is Transport for NSW’s *Guideline for Landscape Character and Visual Impact Assessment, Environmental Impact Assessment Practice Note EIA-N04* (2020). This sets out an established visual impact rating matrix (used in visual impact assessments) based on the combination of the sensitivity of the view(er) to change and the magnitude (scale, contrast, quality, distance) of the development on the view (**Figure 9**).

		Magnitude			
Sensitivity		High	Moderate	Low	Negligible
	High	High	High-Moderate	Moderate	Negligible
	Moderate	High-Moderate	Moderate	Moderate-low	Negligible
	Low	Moderate	Moderate-low	Low	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

Figure 9 | Landscape character and visual impact rating matrix (Source: *Guideline for landscape character and visual impact assessment*, TfNSW, 2023)

The Applicant’s visual impact assessment concluded that the proposed signage would have a low impact on visual amenity based on the rating matrix that it applied. The closest residential receivers are located in the shop-top residential apartments at 8 Enmore Road, Newtown. The Applicant’s assessment concluded that the visual impact would be low. This is consistent with the TfNSW rating matrix as, although the sensitivity of viewers is high, the magnitude of the impact would be negligible as the outdoor private open space for the apartments is located at the rear of the

building. Further, residents are likely to only have views of the rear of the proposed signage and partial views of the side from the semi-enclosed balconies on Enmore Road (**Figure 10**).



Figure 10 | Indicative view from 8 Enmore Road at street level
(Source: Visual Impact Assessment - Amended, 2024)

The proposed signage would be highly visible from the nearby bus stop (**Figure 11**). The Applicant's assessment concludes that the impact would be low as exposure to the proposed signage would be short. The Department considers that the magnitude of the impact from the bus stop would be moderate as would the viewer's sensitivity. Applying TfNSW's risk matrix, the impact to a viewer would be moderate. However, as the exposure would be relatively limited in time, this degree of visual impact is considered acceptable.

The Department considers that the visual impact of the proposed signage from Newtown Station would be low-moderate. Although the viewer would have a moderate visual sensitivity from this location, the magnitude would be low as the proposed signage would be in the distance and only be visible for a point in time as pedestrians exit the station (**Figure 12**).

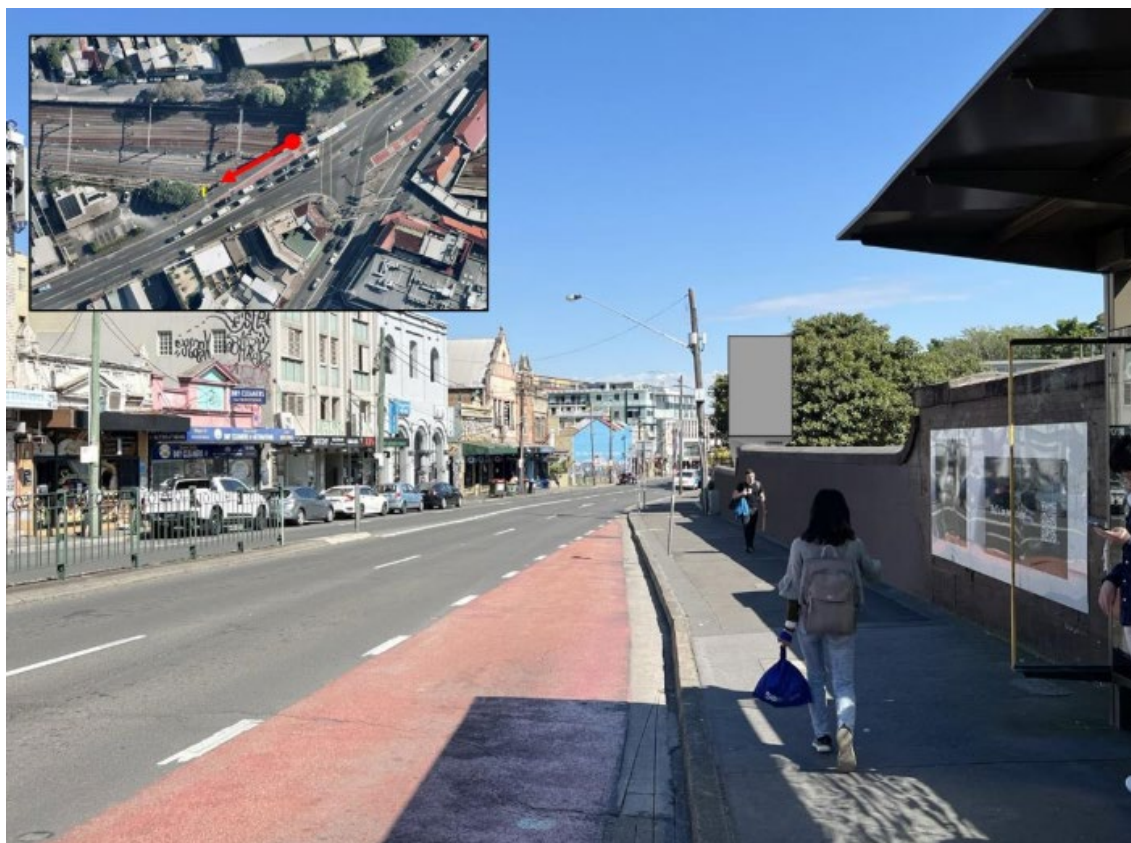


Figure 11 | Indicative view of proposed signage from bus shelter (Source: Visual Impact Assessment - Amended, 2024)

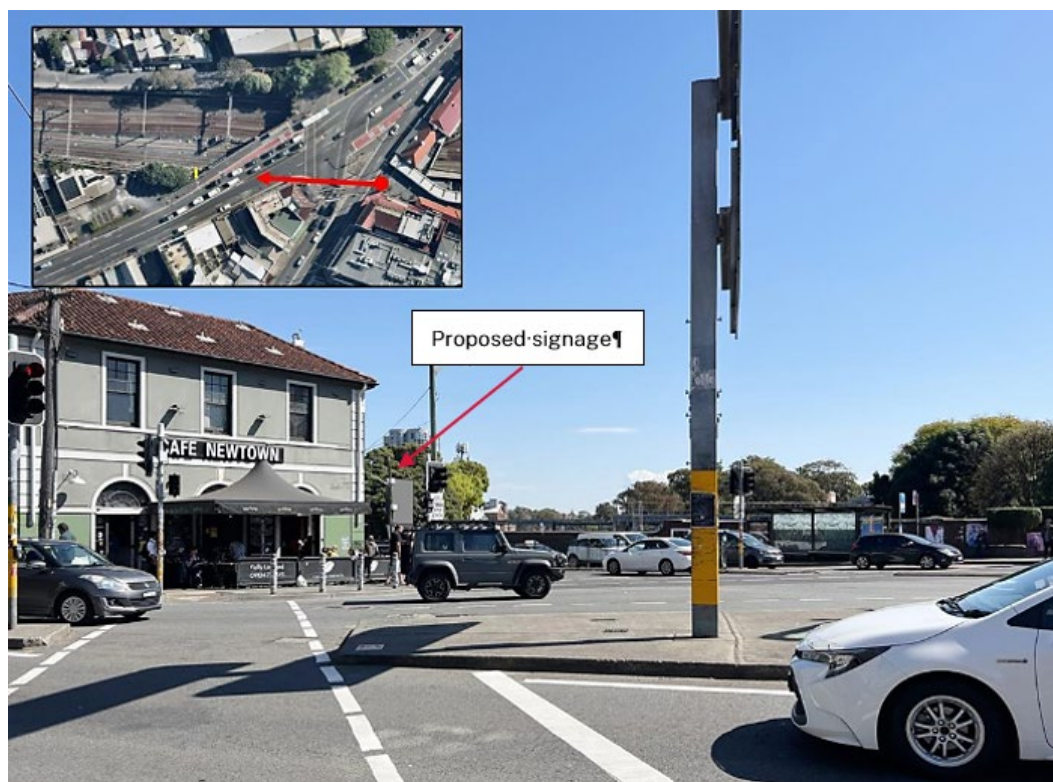


Figure 12 | Indicative view from Newtown Station exit (Source: Visual Impact Assessment - Amended, 2024)

The visual impact further north beyond the intersection of King Street and Enmore Road would be low as the magnitude of the proposed signage would be negligible as the surrounding infrastructure, buildings and vegetation framing the streetscape would absorb the scale of the proposed signage (**Figure 13**).



Figure 13 | Indicative view from King Street / Enmore Road intersection (Source: Visual Impact Assessment - Amended, 2024)

The proposed signage will not impact on vistas or the landscape character of the area.

The proposed signage will not significantly alter the visual quality of the landscape which is dominated by road and rail infrastructure and commercial ribbon development. Commercial signage is common in the locality with a number of retail logos prominently displayed on awnings and shop front windows. A large backlit sign for the Oporto fast food restaurant and a static sign in the Oporto carpark, which has a similar scale and orientation to the proposed signage, are on the adjacent block. As such, the proposal would not be introducing an uncommon element into the commercial district.

The proposed signage would not obscure or compromise important views or obstruct view lines. In addition, it would not dominate the skyline as it would be framed by large trees. Further, it is considered that it would have only a low visual impact on the nearest public domain (Pride Square) due to its distance, orientation towards the road corridor, existing vegetation and intervening structures.

The proposed signage will not increase signage clutter as six existing nearby advertising signs will be removed as part of the proposed development.

Although the proposed signage will introduce a new visual element into the landscape, visual clutter in the locality will be reduced as the proposed development includes removing six existing static signs located on the Newtown Railway overbridge.

5.3 Heritage

The aesthetic impact of the proposed signage on the heritage listed railway overbridge is curtailed by the array of architectural styles and development in the locality.

The proposed signage would be a new modern element within the King Street and Enmore Road Heritage Conservation Area, and adjacent to the State heritage listed Newtown Railway Station group and Former Newtown Tram Depot.

The original development application involved siting the proposed signage within the heritage curtilage of the Newtown Railway Station group and Former Newtown Tram Depot. Due to concerns raised by Heritage NSW over heritage impacts, the amended development involves placement of the proposed signage outside of the heritage curtilage.

Heritage NSW, Inner West Council and City of Sydney raised concern that siting of the proposed signage in the new location would have detrimental impacts on the aesthetic values of the adjacent State heritage item and heritage conservation area. The Department acknowledges that the proposed signage would not be in keeping with the architecture of the adjoining railway overpass and some buildings due to its modern design and scale. However, it is considered that the juxtaposition is acceptable as the existing landscape is characterised by differing visual elements and architectural styles that are not in keeping with the heritage aesthetics. These include a modern bus stop with advertising, relatively modern commercial and mixed use buildings opposite the proposed signage, and large steel gantries over the railway line.

Further, the introduction of a modern element is not inconsistent with other structures within or adjacent to the heritage curtilage of the State listed heritage item, such as the entrance to Newtown station which was upgraded in 2013.

5.4 Illumination impacts

The proposed signage will meet the relevant requirements for luminance and should not result in adverse illumination impacts on nearby residents.

Concerns were raised by Inner West Council and in public submissions regarding the potential for light spillage into residential properties of a nighttime.

Requirements relevant to the illumination of advertising signs are set out in the 2017 Guidelines and Australian Standard AS/NZS 4282:2023 *Control of the Obtrusive Effects of Outdoor Lighting* (AS/NZS 4282:2023) based on the typical existing lighting environment of various surrounds. However, the Australian Standard only includes luminance limits for the nighttime.

The Applicant’s amended Lighting Impact Assessment determined that the proposed signage is located in Environmental Zone A4 (high district brightness e.g. commercial areas, town centres and residential areas abutting commercial areas) under the AS/NZS 4282:2023. The maximum nighttime luminance for this zone is 350 cd/m². The surrounds were assessed as Zone 4 (low levels of off-street lighting) under the 2017 Guidelines. This is the most sensitive criteria in the 2017 Guidelines. The luminance levels for Zone 4 are set out in **Table 5**.

Table 5 | Luminance levels for digital advertisements in Zone 4 (Source: 2017 Guidelines)

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS	
Lighting Condition	Max Permissible Luminance (cd/m²)
Full sun on face of signage	No Limit
Daytime luminance	6000
Morning and evening twilight and inclement weather	500
Nighttime	200

The proposed signage would be illuminated by LEDs and operated 24 hours per day. Brightness of the LEDs would be controlled to provide upper and lower limits, as well as set automatically via a local light sensor to adjust to ambient lighting conditions.

The Department considers the illumination impacts are acceptable provided that the proposed signage is programmed to not exceed the maximum Zone 4 luminance criteria stipulated in the 2017 Guidelines and AS/NZS 4282:2023. A condition to this effect has been recommended.

Further, the Department has recommended that a luminance strength audit be undertaken within six months of commencement of operation to ensure compliance with the required luminance levels.

The Department has also recommended that the LED advertising screen must not exceed the maximum vertical illuminance limit, the maximum threshold increment and the maximum upward light ratio for A4 zone in AS/NZS 4282:2023, to minimise the potential for adverse light impacts.

Implementing the recommended conditions would ensure that the proposed signage would not cause unacceptable illumination.

5.5 Road safety

5.5.1 Safe stopping sight distance

The proposed signage would be located outside of the safe stopping sight distance of the nearest signalised intersection and, as such, would be unlikely to increase the risk of a driver being distracted and unable to stop safely at the Enmore Road / King Street intersection.

The face of the proposed signage would be visible to traffic heading west along Enmore Road. The 2017 Guidelines outline a range of sign location criteria, including safe stopping sight distances from various decision-making points such as intersections, merge points and traffic control signals.

The development application was supported by a Signage Safety Assessment (SSA) which assessed the safety aspects of the proposed signage, including the requirements of the 2017 Guideline. The SSA indicated that the minimum safe sight stopping distance on the approach to the Enmore Road / King Street intersections is 34 metres (**Figure 9**). The proposed signage would be located 75 metres beyond the intersection. In addition, the proposed signage would not obstruct a driver's view of the intersection. As such, there is a low risk of drivers being distracted by the proposed signage as they approach the signalised intersection.

Based on the findings of the Applicant's SSA, the Department is satisfied that the proposed signage would comply with the 2017 Guidelines (refer **Table F-6**) and the requirements of the Industry and Employment SEPP (refer **Table F-4** and **Table F-5**). As such, the Department considers that the proposed signage would not pose a significant increase in road safety risk.

Notwithstanding, the Department has taken a precautionary approach and recommended that a Road Safety Assessment be undertaken within 12-18 months of the proposed signage being operational to identify any potential traffic safety risks associated with its operation. If any safety matters are identified, rectification works must be undertaken.



Figure 14 | Safe stopping sight distance for south-east traffic approaching the King Street/Enmore Road signalised intersection (Source: Statement of Environmental Effects)

5.5.2 Dwell time

The dwell time for each advertisement complies with the requirements of the 2017 Guidelines.

The 2017 Guidelines recommend that the dwell time (duration of display) of a single digital advertisement on roads with a speed limit of less than 80 km/h should not be less than 10 seconds. This is to minimise driver distraction and the potential for signs to create a road safety hazard or increase road safety risk for road users.

The speed limit along Enmore Road is posted at 40 km/h. The Applicant has proposed a minimum dwell time of 60 seconds. This is consistent with the advice received from TfNSW and is supported by the Department.

5.5.3 Accident risk and pedestrian and cyclist safety

The proposed signage complies with relevant road safety standards and is unlikely to result in an increased risk of impact to pedestrian, cyclist and road safety.

As noted in Section 5.5.1, the development application was supported by a SSA which assessed the safety aspects of the proposed signage against the requirements of the 2017 Guidelines. Based on the Applicant's SSA and the advice from TfNSW, the Department considers the design and location

of the proposed signage would not adversely impact on the safety of motorists, pedestrians and cyclists as:

- the proposed signage would be located beyond the signalised intersection at King Street / Enmore Road and not within the safe stopping sight distance
- the placement of the proposed signage is located within a driver's ordinary field of view, and glancing to it would still permit recognition of movements on the road, and
- the increased dwell time of 60 seconds would reduce the distraction posed to drivers and exceeds the minimum dwell time of 10 seconds in the 2017 Guidelines.

Conditions have been recommended to avoid the proposed signage being mistaken for a traffic control advice.

The proposed signage would be readable to south-westbound motorists from approximately 130 metres to the north-east. Inner West Council raised concern that no details of the advertisements have been provided to enable confirmation how the proposed signage would satisfy the requirement to not display colours and shapes which could be mistaken for a traffic signal or not contain interactive technology or technology that enables opt-in direction communication with motorists. To address this concern, the Department has recommended conditions on advertising signage content, including prohibition of:

- patterns, symbols or displays that resemble traffic signals or may result in the advertisement being mistaken for a prescribed traffic control device
- technology that interacts with in-vehicle electronic devices or mobile devices, and
- text providing instruction to drivers such as, "stop" or "halt".

In addition, the operation of the proposed signage must be in accordance with the 2017 Guidelines. The 2017 Guidelines include strict display criteria on message sequencing, colours, text, and advertisement interaction and sequencing.

5.6 Other issues

The Department's consideration of other issues is summarised in **Table 6**.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Biodiversity	A Test of Significance was undertaken in accordance with section 7.3 of the BC Act to assess whether the proposed construction and	<ul style="list-style-type: none">• All trees on site must be protected during construction.

Issue	Findings and conclusions	Recommended conditions
	<p>operation of the proposed signage would be likely to significantly affect threatened species. The test concluded that the proposed development would not be likely to impact threatened species, ecological communities or their habitats.</p> <p>The proposed signage would be located near to three mature fig trees which are protected under the Inner West Council's Tree Preservation Order. It would encroach into the Tree Protection Zone (TPZ) of two Port Jackson fig trees by 2% and 1%. Some light tip pruning would be regularly required so that the sign does not become obscured from view.</p> <p>The Department has recommended conditions for tree protection and pruning to minimise the potential for impacts to native vegetation.</p>	<ul style="list-style-type: none"> Where access to the area within any protective barrier is required during installation of the sign, this must be undertaken under the supervision of a qualified arborist. If pruning works are required, a qualified arborist is required to prepare and implement a Pruning Specification Plan.
Social	The proposed development would be unlikely to have any significant impact on the social environment of the surrounding area.	N/A.
Public benefit / Public Interest	<p>City of Sydney and Inner West Council stated that the Applicant has not proposed any public benefit other than to create revenue for Sydney Trains.</p> <p>The Development Application is accompanied by a Public Benefit Statement that advises that funds obtained from the proposed development will be re-invested into the public transport system, resulting in an overall improved public transport system and experience.</p> <p>The statement indicates that the proposed signage would also provide public benefit through availability to be used for emergency messaging relating to disruptions to train services and threat-to-life alerts by NSW government emergency and police agencies. In addition, Sydney Trains would be able to access the digital screens for Sydney Trains and TfNSW customer promotions and</p>	<ul style="list-style-type: none"> The proposed signage must be made available for the display of road safety messages, transport information and community information by arrangement with Sydney Trains. It must also be made available for use in the event of a 'threat to life' or other emergency to allow emergency messaging. An electronic log of the proposed signage activities must be maintained. The Applicant must record the total amount of outdoor advertising revenue it

Issue	Findings and conclusions	Recommended conditions
	<p>events at no cost. This offer of public benefit has been reinforced in the recommended conditions.</p> <p>The Department has also recommended that an electronic log of the advertisements be kept at all times. This will enable confirmation on the percentage of time the proposed signage has been made available for transport, emergency and community messaging.</p> <p>The 2017 Guidelines require Sydney Trains to record the total amount of outdoor advertising revenue received each year in its financial accounts and Annual Reports. It also requires that Sydney Trains outline the investments made, listing specific works to which the funds have been applied. The Department has reinforced this requirement in the recommended conditions of consent.</p>	<p>receives each year in its Annual Reports. The Annual Reports must provide a detailed list of how revenue has been applied to provide a public benefit, listing specific works to which the funds have been, or will be, applied.</p>
Traffic and access	<p>Installation of the proposed signage would require access from Enmore Road and so the Applicant will need to obtain a road occupancy licence (ROL). In order to minimise impacts to traffic and pedestrians the licence would likely limit construction works to nighttime only. Lane closures on Enmore Road would be required for safety reasons which would cause traffic impacts and/or delays. The pedestrian path along Enmore Road adjacent to the site would also be closed.</p> <p>The Department has recommended conditions regarding the management of traffic and pedestrian access during construction to facilitate the safe movement of vehicles, cyclists and people.</p>	<ul style="list-style-type: none"> • A Road Occupancy Licence must be obtained for works which have the potential to affect traffic during construction. • A Construction Management Plan must be prepared and address traffic and access management. • Pedestrian access must be maintained at all times along Enmore Road. An alternative route must be provided and adequately signposted if access is obstructed.
Construction noise	<p>The Department considers that nighttime works proposed on site would cause noise impacts and could disrupt nearby residential receivers at 8 Enmore Road. These noise impacts can be</p>	<ul style="list-style-type: none"> • Construction noise management must provide mitigation measures when noise management levels

Issue	Findings and conclusions	Recommended conditions
	<p>managed with standard noise controls. The Department has recommended that noise measures be developed and detailed in the Construction Management Plan and comply with the relevant noise management guidelines.</p>	<p>detailed in the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009) are exceeded by construction activities.</p> <ul style="list-style-type: none"> • The Construction Management Plan must detail the noise management measures that will be implemented.

6 Evaluation

The Department has assessed the development application and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act. This includes the objects of the EP&A Act, including the principles of ecologically sustainable development (**Table F-1**), the Industry and Employment SEPP (**Table F-4** and **Table F-5**), the Transport and Infrastructure SEPP (**Table F-7**), the Inner West LEP and the Marrickville DCP (**Appendix F**). It has also assessed the proposal against the *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning and Environment, 2017).

In addition, the Department has taken into consideration advice from TfNSW and issues raised by Heritage NSW, Inner West Council, City of Sydney and in public submissions (**Section 4**).

The Department is satisfied that the proposed signage is consistent with the objectives of the Industry and Employment SEPP and the relevant requirements of the SEPP. It is also satisfied that the proposed signage complies with the relevant requirements of the Transport and Infrastructure SEPP.

The Department supports the amendments to the proposed development, which include relocating the sign to outside the curtilage of the Newtown Railway Station Group and Former Tram Depot State heritage item, the removal of six existing static signs from the Newtown railway overbridge, only installing one rather than two signs and increasing the dwell time from 15 seconds to 60 seconds. These amendments reduce the heritage, visual and road safety impacts of the proposed signage compared to the original development.

If approved, the proposed development would provide an overall public benefit through the reinvestment of funds received from the proposed development into the public transport system, resulting in an overall improved public transport system and experience.

The proposed development would introduce a new digital advertising sign into the environment. The Department is satisfied that the proposed signage is acceptable in terms of design and compatibility with the visual character of the area.

The Department has considered road safety and is satisfied that it is acceptable. The Applicant has proposed a number of measures for managing illumination and controls around display features to reduce driver distraction. These are reinforced in the recommended conditions of consent.

Based on its assessment, the Department has formed the opinion:

- the location for the proposed signage is appropriate to the type and scale of the sign which is proposed to be installed
- the proposed signage would not pose a significant road safety risk
- the public benefit that would occur is appropriate
- appropriate conditions have been recommended to manage the construction and operation of the proposed development, and
- the proposed development should be approved subject to conditions.

7 Recommendation

It is recommended that the **Deputy Secretary Development Assessment and Sustainability**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Digital Advertising Sign – Enmore Road, Newtown (DA 22/7946) as amended, subject to the conditions in the attached development consent, and
- **signs** the attached development consent (**Appendix G**).

Prepared by:

Daniel Neely
Para Planner

Transport and Water Assessments

Recommended by:



Lloyd Eley-Smith

A/ Director

Transport and Water Assessments

Recommended by:



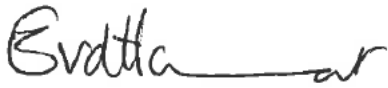
Glenn Snow

A/ Executive Director

Infrastructure Assessments

8 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal flourish extending to the right.

Erica van den Honert

A/ Deputy Secretary

Development Assessment and Sustainability

Glossary

Table 7 | Glossary

Abbreviation	Definition
Applicant	Sydney Trains
BC Act	<i>Biodiversity and Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
DBYD	Dial Before You Dig
DCP	Development control plan
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	Environmental planning instrument
GTAs	General Terms of Approval
Industry and Employment SEPP	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
LGA	Local government area
LGCs	Large Generator Certificates
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Planning Secretary of the Department of Planning, Housing and Infrastructure
REC	Renewable Energy Certificate

Abbreviation	Definition
SEPP	State environmental planning policy
SSA	Signage Safety Assessment
TAHE	Transport Asset Holding Entity
TfNSW	Transport for NSW
Transport and Infrastructure SEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
2017 Guidelines	<i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017)

Appendices

Appendix A – Summary of key amendments to the project

Table A-1 | Summary of key amendments to the proposed development

Aspect	Original project	Amended project
Number of signs	Two single-sided advertising signs (June 2022). This was revised to one single-sided sign facing west in September 2022.	Single-sided advertising sign facing east.
Location	June 2022 – One sign located on King Street and one located on Enmore Road. Both were located within the heritage curtilage of the ‘Newtown Railway Station group and Former Newtown Tramway Depot’ State heritage item curtilage (Heritage Item ID 2015123). September 2022 - Single sign on Enmore Road within the State heritage item curtilage and braced to the railway overbridge.	Relocation of the sign 30 metres west outside the State heritage curtilage and no longer physically attached to the railway overbridge structure (being an item of State heritage significance).
Orientation	June 2022 – King Street sign facing east towards westbound traffic on Enmore Road. Enmore Road sign facing west towards eastbound traffic on Enmore Road. September 2022 – Single sign on Enmore Road facing west towards eastbound traffic on Enmore Road.	Reorientation of the sign to face east towards westbound traffic on Enmore Road.
Scale and features	May 2023 – single sign on Enmore Road signage depth reduced from 1050 mm to 450 mm, internal access	Signage depth of 450 mm. No internal access door or gantry.

Aspect	Original project	Amended project
	door and gantry removed, signage structure raised by 450 mm.	
Removal of existing signage		Removal of six existing static signs from the Enmore Road railway overbridge.
Dwell time	15 second dwell time.	60 second dwell time.

Appendix B – List of referenced documents

Department of Environment and Climate Change, 2009. *Interim Construction Noise Guideline*.

Department of Planning, 2008. *Development Near Rail Corridors and Busy Roads – Interim Guideline*.

Department of Planning and Environment, 2017. *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (2017 Guidelines).

Transport for NSW, 2020. *Guideline for Landscape Character and Visual Impact Assessment, Environmental Impact Assessment Practice Note EIA-N04*.

Appendix C – Submissions and government agency advice

All public submissions, council submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-intersection-enmore-road-and-king-street-newtown-da-227946>

Appendix D – Response to submissions report and requests for information

The response to submissions report and response to requests for information can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-intersection-enmore-road-and-king-street-newtown-da-227946>

Appendix E - Community views

Table E-1 | Key Issues and how they have been considered

Issue	Consideration
<p>Heritage</p> <ul style="list-style-type: none"> • Detracts from the heritage value of the area 	<p>The proposed signage will be a modern element within the King Street and Enmore Road Heritage Conservation Area, and adjacent to the State heritage listed Newtown Railway Station group and Former Newtown Tram Depot.</p> <p>However, it is considered that the juxtaposition is acceptable as the existing landscape is characterised by differing visual elements and architectural styles that are not in keeping with the heritage aesthetics. These include a modern train station and bus stop with advertising, relatively modern commercial and mixed-use buildings opposite the proposed signage, and large steel gantries over the railway line.</p> <p>Further, the proposed development has been amended so that the proposed sign is relocated outside the State heritage curtilage and no longer physically attached to the railway overbridge structure (being an item of State heritage significance). The proposed development as amended will also remove six existing static signs attached to the railway overbridge. The Department considers this would reduce clutter and improve the visual quality of the heritage-listed railway overbridge.</p>
<p>Design and site suitability</p> <ul style="list-style-type: none"> • Inconsistent with the visual identity of the area • Detracts from the amenity and character of the area 	<p>The proposed signage would be in a newly designed portrait style known as the Aspire. The Aspire sign has been architecturally designed and has a modern aesthetic, with an L-shaped pole rather than the more conventional straight monopole design.</p> <p>The amended design has addressed design issues raised by the Department on the scale of the structure by reducing the depth of the sign by 1.05 metres to 0.45 metres. Additionally, exterior elements including an access gantry and ladder have been removed from the design. The proposed signage has a simple,</p>

Issue	Consideration
	<p>modern design and is unlikely to detract from the aesthetic value of the area which is characterised by a mixture of heritage and modern commercial, residential and railway buildings, road and rail infrastructure and business signage.</p> <p>The Department considers that the proposed location is suitable as the proposed signage will be located in a railway corridor surrounding by mixed development and will not have a significant impact on the local landscape character which is highly urbanised.</p>
<p>Road safety</p> <ul style="list-style-type: none"> Potential for driver distraction resulting in an increased risk of accidents 	<p>The face of the proposed signage would be visible to traffic heading west along Enmore Road. The development application assessed the safety aspects of the proposed signage. The SSA concluded:</p> <ul style="list-style-type: none"> the sign would be located 75 metres beyond the intersection. would not obstruct a driver's view of the intersection. a low risk of drivers being distracted by the proposed sign as they approach the signalised intersection. <p>Further, the Applicant has proposed a minimum dwell time (duration of display) of 60 seconds, complying with the requirement of the 2017 Guidelines for a minimum dwell time of at least 10 seconds. This is consistent with the advice received from TfNSW and is supported by the Department.</p> <p>The Department is satisfied that the proposed signage would comply with the 2017 Guidelines and the requirements of the Industry and Employment SEPP. As such, the Department considers that the proposed signage would not pose a significant increase in road safety risk.</p> <p>Recommended conditions/response:</p>

Issue	Consideration
	<ul style="list-style-type: none"> • A Road Safety Assessment is to be undertaken between 12-18 months after the proposed signage is operational. • Signage content must not contain imagery that can be confused for traffic control. • Signage content must be in accordance with the road safety guidelines for sign content set out in the Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning and Environment, 2017). • An electronic log of the sign's activities must be maintained. • Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.
Illumination <ul style="list-style-type: none"> • Light spill onto nearby residents 	<p>The proposed signage would be illuminated by LEDs and operated 24 hours per day. Brightness of the LEDs would be controlled to provide upper and lower limits, as well as set automatically via a local light sensor to adjust to ambient lighting conditions.</p> <p>The Department considers the illumination impacts are acceptable provided that the proposed signage is programmed to not exceed the maximum Zone 4 luminance criteria stipulated in the 2017 Guidelines and AS/NZS 4282:2023.</p> <p>Recommended conditions/response:</p> <ul style="list-style-type: none"> • The LED advertising screen must not exceed the maximum vertical illuminance limit, the maximum threshold increment and the maximum upward light ratio for A4 zones in <i>Australian Standard AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i>.

Issue	Consideration
	<ul style="list-style-type: none"> • The LED advertising screen must comply with the maximum permissible luminance levels for Zone 4 under the 2017 Guidelines. • A luminance strength audit must be undertaken within six months of commencement of operation to ensure compliance with the required luminance levels.

Appendix F - Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects in section 1.3 of the EP&A Act are provided in **Table F-1**.

Table F-1 | Considerations of the Objects of the EP&A Act

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal would provide social and economic benefits by generating revenue which Sydney Trains allocates to improvements and maintenance programs, assisting in upgrades to essential public infrastructure and other rail programs. The proposed signage would not unreasonably impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The potential environmental impacts of the proposed signage have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.</p> <p>The proposed signage is not anticipated to have adverse impacts on flora or fauna, including threatened species, populations and ecological communities, and their habitats.</p> <p>The proposed development is unlikely to have significant impacts to the social or economic environment but should return funds for investment into the Sydney Rail network.</p> <p>The proposed signage would be powered using 100% renewable electricity. Renewable electricity is purchased through JCDecaux's retailer under the 100% GreenPower program where available. Where it is not available, JCDecaux purchase Large Generator Certificates (LGCs) or Renewable Energy Certificate (RECs) to equal the power usage for affected sites and retire those certificates. This process is</p>

Object	Consideration
	<p>approved by the RE100 global corporate renewable energy initiative.</p> <p>As such, the Department considers that the proposed signage would not adversely impact on the biophysical or social environments.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposed development involves the economic use of land through the utilisation of land within an established railway corridor that is narrow and constrained and will be leased to generate revenue which Sydney Trains allocates to improving public transport infrastructure.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The proposed development does not directly contribute to delivery and maintenance of affordable housing.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The Applicant has undertaken a test to determine whether the proposed development is likely to significantly affect threatened species or ecological communities, or their habitats in accordance with section 7.3 of the BC Act. The test concluded that there would be no significant impact, given the minimal impact of the proposed development on the three nearby fig trees and the availability of more optimal potential foraging habitat in the vicinity. On this basis, the Department considers that the development would not have adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department considers that the proposed development would not have a significant impact on built or cultural heritage. Heritage impacts have been considered in Section 5.3.</p>
(g) to promote good design and amenity of the built environment,	<p>The Department considers the proposed development would not result in unacceptable built form impacts, as the proposed signage would be</p>

Object	Consideration
	located within an existing Sydney Trains rail corridor. In addition, the proposed signage has a high-quality architectural design which has been revised to minimise bulk.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Not applicable as the proposal is not for an occupiable building.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department sought advice from TfNSW and Heritage NSW, and submissions from Inner West Council and City of Sydney during the exhibition of the development application. The advice and comments are detailed in Section 4 and considered in Section 5 .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department exhibited the development application from 14 to 28 March 2024.</p> <p>Written notification of the exhibition was provided to adjacent and nearby landowners, TfNSW, Heritage NSW, Inner West Council and City of Sydney about the public exhibition. The submissions received have been assessed in the Applicant's response to submissions report. They have also been considered by the Department as part of its assessment of the proposed development.</p>

s.4.15 Matters for Consideration

In determining a development application, a consent authority is to take into consideration the matters specified in section 4.15 of the EP&A Act where they are of relevance to the development which is the subject of the development application. A summary of the Department's consideration of the section 4.15 Matters for Consideration are provided in **Table F-2**. Matters for Consideration specific to Crown Developments (section 4.6 of the EP&A Act) are addressed in **Table F-3**.

Table F-2 | Matters for Consideration

Matter	Consideration
(a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided below.
(i) any environmental planning instrument, and	
(ii) any proposed instrument, and	There are no applicable proposed instruments.
(iii) any development control plan, and	The proposal generally meets the relevant/applicable objectives of the Marrickville DCP 2011 as addressed in Table F-9 .
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The development is permissible with consent as it is located on land zoned SP2 Infrastructure. The Department considers the site for be suitable for the proposed development. This is addressed in Section 5.1.2 .

Matter	Consideration
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the development in Section 5 . Submissions are in Appendix B of this report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to Table 6).

Table F-3 | Matters for consideration under Division 4.6 of the EP&A Act

Matter	Consideration
Section 4.32 Definitions	
<p>(1) In this Division –</p> <p><i>Crown development application</i> means a development application made by or on behalf of the Crown.</p>	<p>The Applicant and landowner is a State-owned corporation: The Applicant is considered to constitute a public authority, and the application is considered to be a Crown Development Application.</p>
Section 4.33 Determination of Crown development applications	
<p>(1) A consent authority (other than the Minister) must not –</p>	
<p>(a) refuse its consent to a Crown development application, except with the approval of the Minister, or</p>	<p>The Minister is the consent authority.</p> <p>The Department recommends the application be approved, subject to the recommended conditions (Appendix G).</p>
<p>(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.</p>	<p>The Minister is the consent authority.</p> <p>On 07 June 2024, the Department forwarded the recommended conditions to the Applicant. On 18 June 2024, the Applicant consented to the recommended conditions subject to minor amendments clarifying the site Lot and DP, removing requirements which no longer exist in AS/NZS 4282:2023 and merging two conditions relating to the display of community, road safety and emergency messages.</p> <p>The Department raised no concerns with the proposed amendments to the conditions. The Department forwarded revised recommended conditions to the Applicant on 27 June 2024. The Applicant accepted the revised recommended conditions with no amendments on 28 June 2024 (Appendix G).</p>

EP&A Regulation

Subject to any other references to compliance with the EP&A Regulation cited in this Assessment Report, the requirements for fees (Part 13) have been complied with and the NSW Planning Portal (Part 15) have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- *State Environmental Planning Policy (Industry & Employment) 2021* (Industry and Employment SEPP) – **Table F-4** and **Table F-5**.
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) – **Table F-7**.
- *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (Department of Planning and Environment, 2017) (2017 Guidelines) – **Table F-6**.
- *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) – **Table F-8**.
- Inner West Local Environmental Plan 2022 (Inner West LEP).
- Marrickville Development Control Plan 2011 (Marrickville DCP) - **Table F-9**.

Table F-4 | Industry and Employment SEPP Compliance Assessment

Provision	Comment/Consideration	Compliance
3.1 Aims, objectives etc		
(1) This chapter aims: (a) to ensure that signage (including advertising) — (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high-quality design and finish, and	<p>The proposed signage is considered to be compatible with the desired amenity and visual character of the area. The site is located within the King Street and Enmore Road Commercial Precinct which has a focus on mixed-use, retail and commercial purposes along busy thoroughfares of King Street and Enmore Road in the Marrickville Development Control Plan 2011.</p> <p>The proposed development is compatible with the surrounding development and visual character of the area, and provides an effective communication means.</p> <p>The proposed development is of a high-quality finish and is therefore consistent with the objectives of the SEPP.</p>	Yes.
(b) to regulate signage (but not content) under Part 4 of the Act, and	The Department considers that the application of the requirements relates to the regulation of the signage.	Yes.
(c) to provide time-limited consents for the display of certain advertisements, and	If a consent is made, the consent will be valid for 15 years.	Yes.
(d) to regulate the display of advertisements in transport corridors, and	The application of the requirements relates to the regulation of the signage in transport corridors. If consent is made, the conditions of consent would regulate the signage structure and display.	Yes.
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors	The Development Application is accompanied by a Public Benefit Statement that advises that funds obtained from the proposed development will be invested into the public transport system.	Yes.

Provision	Comment/Consideration	Compliance
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3.2 Definitions

<p>(1) In this chapter –</p> <p>advertisement means signage to which Part 3.3 applies and includes any advertising structure for the advertisement.</p> <p>Classified road means a road classified under Part 5 of the Roads Act 1993.</p>	<p>The proposal constitutes an advertisement to which Part 3 of the SEPP applies.</p> <p>Enmore Road is a State classified road (No. 167) under the Roads Act 1993. The proposal constitutes a freestanding advertisement on railway corridor land.</p>	
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3.6 Granting of consent to signage

<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied –</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p>	<p>The Department considers that the objectives of s.3.1 (1)(a) have been addressed above.</p>	<p>Yes.</p>
<p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>See relevant assessment in Table F-5.</p>	<p>Yes.</p>

3.10 Consent authority

<p>For the purposes of this Chapter, the consent authority is –</p> <p>(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor</p>	<p>The Department considers that the proposed development is for digital signage located within a railway corridor.</p> <p>The Applicant is Sydney Trains; therefore, the Minister for Planning and Public Spaces is the consent authority.</p>	<p>Yes.</p>
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3.11 Matters for consideration

Provision	Comment/Consideration	Compliance
<p>(2) If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires —</p> <p>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p>	<p>The proposed development has been assessed against the objectives of the Chapter (3.1(1)(a) (above).</p> <p>The Department considers that the proposed development is generally consistent with the Schedule 5 criteria. The Department considers that non-compliances identified through the assessment are of minor nature and can be managed through the recommended conditions of consent.</p>	Yes.
<p>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of</p> <p>(i) design, and</p> <p>(ii) road safety, and</p> <p>(iii) the public benefits to be provided in connection with the display of the advertisement, and</p>	<p>The proposed development has been assessed against the criteria in Schedule 5 in Table F-5.</p> <p>The proposed development has been assessed as generally consistent with the Schedule 5 criteria. The Department considers that where there are non-compliances these are of a minor nature and can be managed through the recommended conditions of consent. The Department is satisfied that they are acceptable.</p>	Yes.
<p>(c) satisfies any other relevant requirements of this Chapter.</p>	<p>The proposed development has been assessed against other relevant criteria of the Chapter in this table.</p>	Yes.
<p>(3) In addition, if Section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to</p>	<p>The applicant has indicated that a Public Benefit will occur, through the re-investment of funds that are obtained from the proposed development, into the public transport system. See Table F-6.</p>	Partial.

Provision	Comment/Consideration	Compliance
be provided in connection with the display of the advertisement.		

3.12 Duration of consents

(1) A consent granted under this Part ceases to be in force — (a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or	The proposed consent is for a 15-year period.	Yes.
(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.	Not Applicable.	N/A.

3.14 Transport corridor land

(1) Despite section 3.8(1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases — (a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,	The proposed development is development on behalf of Sydney Trains, and therefore overrides any prohibitions that s.3.8(1) or other EPI may have created.	Yes.
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3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless — (a) the applicant has provided the consent authority with an impact	<p>The Applicant has provided an impact statement that addresses the requirements of Schedule 5.</p> <p>This has been assessed by the Department in Table F-5 (below).</p>	Yes.
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Provision	Comment/Consideration	Compliance
statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and	The proposed development has been assessed as generally consistent with the Schedule 5 criteria. The Department considers that where there are non-compliances these are of a minor nature and is satisfied that they are acceptable.	
(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.	The proposed development has been exhibited, and TfNSW was provided with the Development Application prior to the exhibition commencing.	Yes.

3.18 Location of certain names and logos

(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.	The logo of the owner of the proposed digital advertising sign would be displayed in a strip below the digital screen and is included within the definition of the advertising display area which has been calculated at 16.51 m ² .	Yes.
(2) If the advertising display area has no border or surrounds, any such name or logo is to be located — (a) within the advertisement, or	Not Applicable.	N/A.
(b) within a strip below the advertisement that extends for the full width of the advertisement.	Not Applicable.	N/A.
(3) The area of any such name or logo must not be greater than 0.25 square metres.	The size of the proposed logo is 0.0894 m ² .	Yes.

Provision	Comment/Consideration	Compliance
(4) The area of any such strip is to be included in calculating the size of the advertising display area.	The size of the logo strip has been included in the calculation of the advertising display area of 16.51 m ² .	Yes.

3.21 Freestanding advertisement

(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.	The proposed signage would be a freestanding advertisement supported by a monopole structure. The Department considers that the proposed signage would not protrude above the adjacent vegetation, buildings and would not dominate the skyline.	Yes.
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3.22 Advertisements on bridges

(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.	The proposed development as amended is not located on a bridge.	Yes.
(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	An assessment of the proposed development against the requirements of the Guidelines has been made at Table F-6 .	Yes.

Table F-5 | SEPP (Industry and Employment) Schedule 5 Assessment Criteria

Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The Department is satisfied that the proposed sign is compatible with the existing and desired future character of the area. The proposed sign would be located within the King Street and Enmore Road Commercial Precinct defined in the Marrickville DCP 2011. This Precinct which has a focus on mixed-use, retail and commercial purposes along the busy thoroughfares of King Street and Enmore Road.	Yes.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There does not appear to be a particular theme for outdoor advertising in the area.</p> <p>Approximately 5 metres southwest of the site is a business identification sign associated with the Oporto fast food restaurant premises. Located on the west side of the Oporto premises is another existing static sign of a similar size and orientation to the proposed sign.</p> <p>Business identification signage is prevalent in the King Street and Enmore Road Commercial Precinct.</p> <p>The existing static signs located on the heritage-listed railway overbridge which will be removed as part of this application.</p> <p>The proposed sign is consistent in appearance and function with other advertising structures located within rail corridors and adjacent to busy road corridors across the broader TfNSW road and rail network.</p>	Yes.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or	The proposed sign is located outside the curtilage of the Newtown Railway Station Group and Former Tram Depot State heritage item. The Department considers:	Yes.

Criteria	Comments	Compliance
other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<ul style="list-style-type: none"> that it would not detract from its amenity and visual quality. that the proposed sign would not detract from environmentally sensitive areas, heritage areas, natural or other conservation areas, open spaces areas, waterways or rural landscapes. 	
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed development would not obscure or compromise important views.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed development would not dominate the skyline or reduce the quality of vistas. The proposed sign will not protrude above the adjacent vegetation and utility pole.	Yes.
Does the proposal respect the viewing rights of other advertisers?	There is an existing two-sided business identification sign for the Oporto fast food restaurant on Enmore Road. However, existing vegetation separates the two signs and moderately obstructs the Oporto sign from the east. The proposed sign is single-sided while the Oporto sign is double-sided. The Department considers that the proposal respects the viewing rights of other advertisers.	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The Department considers that the proposed sign is appropriate for a site located within a railway corridor and oriented towards a busy commercial precinct and vehicle thoroughfare.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The Department considers that the advertising signage would not contribute to the visual interest of the streetscape, setting or landscape but is compatible with the streetscape.	Yes.

Criteria	Comments	Compliance
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed development would remove six existing static signs attached to the railway overbridge. The Department considers this would reduce clutter and improve the visual quality of the heritage-listed railway overbridge.	Yes.
Does the proposal screen unsightliness?	The proposed sign would not screen unsightliness. As it is perpendicular to the rail corridor it will not significantly screen the rail corridor from the adjacent properties.	N/A.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed development does not protrude above the trees, utility poles and built form in the area.	Yes.
Does the proposal require ongoing vegetation management?	Regular light tip pruning of an adjacent fig tree would be required.	Yes.

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is compatible with the characteristics for a highly frequented road corridor adjacent to a rail corridor.	Yes.
Does the proposal respect important features of the site or building, or both?	The proposed sign would be a freestanding structure located within a small parcel of vacant land in the railway corridor, which isn't attached to the state heritage listed railway overbridge. The Department considers that the proposed sign respects the important features of the site.	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed development has been significantly amended since initially being lodged. The proposed development has been reduced from two advertising signs to one, reoriented towards motorists travelling	Yes.

Criteria	Comments	Compliance
	west on Enmore Road and the physical structure reduced in bulk. The Development Application as amended includes the removal of six existing static signs attached to the railway overbridge to reduce visual clutter. The Department considers that the proposed sign has been well designed and would not detract from the features of the broader site.	

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>A logo sign is proposed to be installed adjacent to the lower left corner of the digital screen.</p> <p>The logo appears designed as an integral part with the proposed development and the Department is satisfied that the logo is appropriately sited.</p>	Yes.
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7 Illumination

Would illumination result in unacceptable glare?	<p>No. The proposed development has lighting which is responsive to the environmental conditions and is able to, and proposed to be, reduced at night and in the evening periods.</p> <p>The Department notes that the proposed development has been designed to comply with AS/NZS 4282:2023.</p>	Yes.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed development has been designed to comply with AS/NZS 4282:2023. Given the proposed variable illumination levels of the proposed development, the Department considers that there would not be a safety risk for pedestrians, vehicles or aircraft.	Yes.

Criteria	Comments	Compliance
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>The illumination of the proposed development would comply with the relevant illuminance limits for nearby residential dwellings.</p> <p>The Department considers that the proposed development would not result in adverse illumination impacts on nearby residents.</p>	Yes.
Can the intensity of the illumination be adjusted, if necessary?	The illumination levels of the proposed sign would be able to respond to environmental conditions and would be able to be adjusted if required, including varying illumination levels throughout the day.	Yes.
Is the illumination subject to a curfew?	The proposed sign would operate 24 hours and not be subject to a curfew. However, the illuminance will be adjusted to comply with applicable nighttime illuminance limits contained in AS/NZS 4282:2023.	Partially.

8 Safety

Would the proposal reduce the safety for any public road?	<p>The proposed development would remove six existing static signs from the overbridge oriented towards the road corridor. The proposed sign would not obstruct any traffic control devices or display images which could confuse or distract drivers.</p> <p>Also, the proposed dwell time is 60 seconds as requested by TfNSW which exceeds the minimum requirement of 10 seconds for the site under the Signage Guidelines.</p> <p>The Applicant has identified that the proposed sign has been designed in accordance with the requirements of the I&E SEPP and generally in accordance with the Signage Guidelines and that the proposed sign would not impact on public road safety.</p>	Yes.
Would the proposal reduce the safety for pedestrians or bicyclists?	There are no specific safety issues for pedestrians or cyclist.	Yes.

Criteria	Comments	Compliance
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed sign would be located within a rail corridor and would not obscure sightlines to or from public areas.	Yes.

Table F-6 | Transport Corridor Outdoor Advertising and Signage Guidelines 2017

Clause	Criteria	Comments	Compliance
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TABLE 1: LAND USE COMPATIBILITY CRITERIA – TRANSPORT CORRIDOR ADVERTISING

(i)	The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The proposed sign would not be inconsistent with the land use objectives of the area (zoned as SP2 – Infrastructure and E1 – Local Centre) contained in the Inner West Local Environmental Plan 2022.	Yes.
(ii)	<p>Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:</p> <ul style="list-style-type: none"> - environmentally sensitive area - heritage area (excluding railway stations) - natural or other conservation area - open space (excluding sponsorship advertising at sporting facilities in public recreation zones) - waterway - residential area (but not including a mixed residential and business zone, or similar zones) - scenic protection area - national park or nature reserve. 	<p>The proposed sign is located in proximity to open space (Pride Square public plaza), and the State heritage listed Newtown Railway Station Group and Former Tram Depot.</p> <p>The proposed sign would be separated from Pride Square by the railway corridor between the two locations.</p> <p>The proposed sign would be oriented perpendicular to shop top housing on Enmore Road. Illumination impacts on these residences would be negligible or minor.</p> <p>A Test of Significance provided by the Applicant determined that the proposed sign would not significantly impact any threatened species or ecological communities, or their habitats.</p>	Yes.

Clause	Criteria	Comments	Compliance
(iii)	Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The proposed development would not dominate or protrude above the skyline or adversely impact any significant views.	Yes.
(iv)	Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.	<p>The proposed development is located close to the heritage curtilage of the state heritage listed Newtown railway overbridge.</p> <p>Heritage is addressed within Section 5.4 of the Assessment Report.</p> <p>The Department considers that the proposed development will not significantly impact on the heritage values of the state heritage item.</p>	Yes.
(v)	Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to, or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	The proposed sign would not protrude above the adjacent trees and utility pole.	Yes.

2.3.2 Sign placement in transport corridors in urban areas

(a)	Advertising in urban areas should be restricted to rail	The proposed development is appropriately located in a railway	Yes.
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Clause	Criteria	Comments	Compliance
	corridors, freeways, tollways or classified roads: within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones	corridor and within the King St and Enmore Road commercial precinct.	
(b)	within or adjacent to strategic transport corridors passing through entertainment districts or other urban locations identified by the local council in a relevant strategy as being appropriate for such advertising.	The Department considers that the proposed sign is appropriately located in a railway corridor and within the King Street and Enmore Road commercial precinct.	Yes.
	Consideration must be given to the compatibility of advertising development with surrounding land uses and whether such advertising will impact on sensitive locations. For instance, placement of advertising along transport corridors should not result in increased visibility of signage in adjacent or surrounding residential areas.	The proposed development is located within an appropriate zoning and is not visible from sensitive locations. The Department considers that the proposed development is appropriately located.	Yes.

2.5.1 General criteria

(a)	Advertising structures should meet the following site-specific criteria: The advertising structure should demonstrate design excellence and show innovation in its	The proposed sign as amended would be freestanding and not attached to the heritage listed overbridge. Six existing static signs on the overbridge would be removed to reduce visual clutter.	Yes.
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Clause	Criteria	Comments	Compliance
	relationship to the site, building or bridge structure.	<p>The proposed sign would be a modern and high-quality design.</p> <p>The Department considers that the design of the proposed development has been well considered and executed due to its architectural design, modern aesthetic and the use of recyclable stainless-steel cladding.</p>	
(b)	The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located.	The height of the proposed sign would be lower than most nearby buildings along Enmore Road. The proposed sign would be contained within the rail corridor and would not cantilever over the footpath or road corridor. The Department considers that the proposed sign is compatible with the scale of existing built form and vegetation in the area.	Yes.
(c)	The advertising structure should be in keeping with important features of the site, building or bridge structure.	The proposed sign is consistent with other advertising structures located within railway corridors. The Department considers that the proposed sign would not detract from the important features of the site.	Yes.
(d)	The placement of the advertising structure should not require the removal of significant trees or other native vegetation.	<p>Regular light pruning of the adjacent fig tree would be required.</p> <p>A condition has been recommended requiring a qualified arborist to prepare and implement a Pruning Specification Plan prior to pruning works being carried out.</p>	Yes / subject to a condition.
(e)	The advertisement proposal should incorporate landscaping that complements the advertising structure and is in	The proposed development does not require any landscaping to be undertaken.	N/A.

Clause	Criteria	Comments	Compliance
	<p>keeping with the landscape and character of the transport corridor.</p> <ul style="list-style-type: none"> - The development of a landscape management plan may be required as a condition of consent. - Landscaping outlined within the plan should require minimal maintenance. 		
(f)	Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	<p>The design of the proposed development incorporates ancillary components of the facility into the overall design.</p> <p>The proposed logo is located adjacent to the proposed development at the lower left side of the digital screen.</p> <p>The Department considers that the proposed logo has been appropriately located.</p>	Yes.
(g)	Illumination of advertisements must comply with the requirements in Section 3.3.3.	The proposed development complies with the requirements of Section 3.3.3. Refer below.	Yes.
(h)	Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposed development would have minor or negligible illumination impacts on residences in the vicinity.	Partially.

2.5.8: Table 3: Digital Sign Criteria

(a)	Each advertisement must be displayed in a completely static manner, without any motion, for	The applicant has advised that the images on the proposed development would be static and without moving images.	Yes / subject to a condition.
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Clause	Criteria	Comments	Compliance
	the approved dwell time as per criterion (d) below.	The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	
(b)	Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	<p>The Applicant has advised that message sequencing will be arranged to comply with this requirement.</p> <p>The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.</p>	Yes / subject to a condition.
(c)	<p>The image must not be capable of being mistaken:</p> <p>(i) for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device</p> <p>(ii) as text providing driving instructions to drivers.</p>	<p>The Applicant has advised that a condition could be imposed to require compliance with this standard.</p> <p>The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.</p>	Yes / subject to a condition.
(d)	<p>Dwell times for image display must not be less than:</p> <p>(i) 10 seconds for areas where the speed limit is below 80 km/h</p> <p>(ii) 25 seconds for areas where the speed limit is 80km/h and over.</p>	<p>A minimum dwell time of 60 seconds is proposed.</p> <p>The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.</p>	Yes / subject to a condition.
(e)	The transition time between messages must be no longer than 0.1 seconds, and in the	The Applicant has advised that the transition time between messages will be no longer than 0.1 seconds and the	Yes.

Clause	Criteria	Comments	Compliance
	event of image failure, the default image must be a black screen.	default image in the event of image failure will be a black screen. The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	
(f)	Luminance levels must comply with the requirements in Section 3 below.	The proposed development complies with the requirements. The Department notes that the illumination standard has recently been updated and has recommended a condition to require compliance with the updated standard.	Yes / subject to a condition.
(g)	The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The Applicant has advised that the proposed development would be managed to ensure drivers are not unreasonably distracted. The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	Yes / subject to a condition.
(h)	The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	The Applicant has advised that the content that would be displayed on the proposed development would be managed in order to ensure text and information is kept to a minimum. The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	Yes / subject to a condition.
(i)	Any sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	The sign would not be visible from a school zone.	Yes.

Clause	Criteria	Comments	Compliance
(j)	Each sign proposal must be assessed on a case-by-case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign, and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.	<p>The Applicant has provided a Statement of Environment Effects that outlines the potential impacts of the proposed development.</p> <p>This Assessment Report addressed the needs of the Department in considering issues that are required to be addressed.</p>	Yes.
(k)	At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site using an independent RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between RMS and the sign owner and operator.	The Department has recommended a condition that would require compliance with this standard if the proposed development is approved and RMS (now TfNSW) reassess the proposed development.	Yes.
(l)	Sign spacing should limit drivers' view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.	Not applicable as the advertising display area of the proposed signage is less than 20sqm.	N/A.

Clause	Criteria	Comments	Compliance
(m)	<p>Signs greater than or equal to 20sqm must obtain RMS concurrence and must ensure the following minimum vertical clearances;</p> <p>(i) 2.5m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>(ii) 5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.</p> <p>If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>	Not applicable as the advertising display area of the proposed signage is less than 20sqm.	N/A.
(n)	An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.	Not applicable as the advertising display area of the proposed signage is less than 20sqm. Nonetheless, the Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	Yes / subject to a condition.
(o)	A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be	Not applicable as the advertising display area of the proposed signage is less than 20sqm. Nonetheless, the Department has recommended a	Yes / subject to a condition.

Clause	Criteria	Comments	Compliance
	carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the sign's installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment as well.	condition that would require compliance with this standard if the proposed development is approved.	
2.5.10			
	Where it can be demonstrated that there will be a negative impact on residential amenity from a proposed digital sign, a consent authority may specify a higher dwell time, or restrict the dwell time hours (i.e. its operation) as a condition of consent to minimise the impacts. Dwell times must not be less than those in d) i) and ii) in Section 2.5.8 above.	Negative impacts are not expected on residential amenity.	N/A.
2.5.11			

Clause	Criteria	Comments	Compliance
	Video and animated electronic signs containing animated or video/movie style advertising, or messages including; live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers are prohibited.	The Department has recommended a condition that would require compliance with this standard if the proposed development is approved.	Yes / subject to a condition.

3 Advertisements and Road Safety

3.1 Road safety objectives

TABLE 4: ROAD SAFETY ASSESSMENT CRITERIA – SCHEDULE 1 SEPP 64

1	Would the proposal reduce the safety for any public road?	The proposed development has been assessed and would not be expected to have any adverse impacts on road safety.	Yes.
2	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed development is not expected to have any impacts on the safety of pedestrians or bicyclist.	Yes.
3	Would the proposal reduce the safety for pedestrians by obscuring sightlines from public areas?	The proposed development is not accessible to the public and would not obscure sightlines from public locations.	Yes.

3.2.1 Road clearance

(a)	<p>The advertisement must not create a physical obstruction or hazard. For example:</p> <p>(i) Does the sign obstruct the movement of pedestrians or bicycle riders? (e.g. telephone</p>	The proposed development would not have any impact on the pedestrian or cyclist movements, present any additional risk for tall vehicles or protrude in a manner that would allow it to potentially be hit by a tall or wide vehicle.	Yes.
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Clause	Criteria	Comments	Compliance
	<p>kiosks and other street furniture along roads and footpath areas)?</p> <p>(ii) Does the sign protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road?</p> <p>(iii) Does the sign protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles?</p>		
(b)	Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS-approved crash barrier.	The proposed development is not made of frangible material, outside the clear zone and behind a masonry wall. The proposed development is not in a position to be struck by a vehicle.	N/A.
(c)	Where a sign is proposed within the clear zone but behind an existing RMS-approved crash barrier, all its structures up to 5.8m in height (relative to the road level) are to comply with any applicable lateral clearances specified by Austroads Guide to Road Design (and RMS supplements) with respect to dynamic deflection and working width.	The proposed development would be located outside the clear zone and behind a masonry wall.	N/A.

Clause	Criteria	Comments	Compliance
(d)	All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection.	Not applicable as the proposed development would not hang over a road or footpath.	N/A.
Additional road clearance criteria for digital signs:	<p>Digital signs greater or equal to 20sqm must ensure the following clearances:</p> <p>(a) 2.5m from lowest point of the sign above the road surface if located outside the clear zone</p> <p>(b) 5.5m from lowest point of the sign above the road surface if located within the clear zone or the deflection zone of a safety barrier, if installed.</p> <p>If attached to road infrastructure (such as an overpass), the digital sign must be positioned so that no portion of the sign is lower than the minimum vertical clearance under the overpass or supporting structure.</p>	<p>Not applicable as the advertising display area of the proposed signage is less than 20sqm.</p> <p>The proposed development is located outside the clear zone and behind a masonry wall.</p>	N/A.
3.2.2 Line of sight			
(a)	An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed development would not obstruct a drivers view of the road ahead.	Yes.

Clause	Criteria	Comments	Compliance
(b)	An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed development would not obstruct a pedestrian, or cyclists view of the road.	Yes.
(c)	The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.	<p>The Applicant has provided a photomontage of the proposed development.</p> <p>The photomontage suggests that the proposed development would not appear to give incorrect information relating to the road alignment.</p>	Yes.
(d)	<p>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</p> <p>(i) The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</p> <p>(ii) The sign should be oriented in a manner that does not create headlight reflections in the</p>	As the proposed development is located adjacent to the road corridor oriented towards motorists travelling west on Enmore Road, the proposed development is unlikely to distract a road user into turning their head away from the road alignment or reflect headlights at oncoming traffic.	Yes.

Clause	Criteria	Comments	Compliance
	driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.		

3.2.3 Proximity to decision making points and conflict points

(a)	<p>The sign should not be located:</p> <ul style="list-style-type: none"> (i) less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves (ii) less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment (iii) so that it is visible from the stem of a T-intersection. 	<p>The proposed development has been assessed in a Signage Safety Assessment which did not find that there was a risk of adverse outcomes to road safety as a result of the proposed development.</p> <p>The Department considers that the proposed development is located in an appropriate location that should not impact on road safety.</p>	Yes.
(b)	<p>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <ul style="list-style-type: none"> (i) of a road hazard (ii) to an intersection (iii) to a prescribed traffic control device (such as traffic signals, 	<p>The proposed development has been assessed in a Signage Safety Assessment which did not find that there was a risk of adverse outcomes to road safety as a result of the proposed development.</p> <p>The Department considers that the proposed development is located in an</p>	Yes.

Clause	Criteria	Comments	Compliance
	<p>stop or give way signs or warning signs)</p> <p>(iv) to an emergency vehicle access point or Type 2 driveways (wider than 6-9m) or higher.</p>	appropriate location that should not impact on road safety.	
3.2.4 Sign spacing			
	<p>The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.</p>	<p>There are existing advertisements for Oporto located within the adjacent 1-11 Enmore Road.</p> <p>However, while these are within the viewshed of westbound road users on Enmore Road, the combination of these do not amount to visual clutter. This is due to the very limited viewshed where they are both visible in one “sight picture”.</p> <p>Additionally, the proposed development would remove six nearby existing static signs from the railway overbridge to reduce visual clutter.</p> <p>The Department’s view is that this is acceptable.</p>	Yes.
	<p>Additional criteria for digital signs:</p> <p>(a) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>	<p>Not applicable as the advertising display area of the proposed signage is less than 20sqm.</p>	N/A.

Clause	Criteria	Comments	Compliance
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3.3 Sign design and operation criteria

3.3.1 Advertising signage and traffic control devices

(a)	<p>The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment. Therefore, the following criteria apply to all advertising signage:</p> <p>(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.</p>	<p>The proposed development has been assessed in a Signage Safety Assessment and it has concluded that the proposed development would be located in a suitable location.</p> <p>The Signage Safety Assessment has proposed that the dwell time for advertisements on the proposed development should be 60 seconds (instead of the required 10 seconds) to reduce the opportunity for drivers to be distracted by any advertising images.</p>	Yes.
(b)	<p>The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device. For example:</p> <p>(i) Could the advertisement be construed as giving instructions to traffic such as 'Stop', 'Halt' or 'Give Way'?</p> <p>(ii) Does the advertisement imitate a prescribed traffic control device?</p>	<p>The proposed development has been assessed in a Signage Safety Assessment and it has concluded that the proposed development would be located in a suitable location.</p> <p>The Applicant has advised that they will control the type of advertisements that are shown on the digital screen to ensure that advertisements do not in any way represent a risk to traffic safety.</p>	Yes / subject to a condition.

Clause	Criteria	Comments	Compliance
	(iii) If the sign is in the vicinity of traffic lights, does the advertisement use red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal?	A condition has been recommended to ensure compliance with the Applicants proposal.	
Additional criteria for digital signs and moving signs: (a)	The image must not be capable of being mistaken: (i) for a rail or traffic sign or signal because it has, e.g. red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal (ii) as text providing driving instructions to drivers.	The Applicant has advised that they will control the type of advertisements that are shown on the digital screen to ensure that advertisements do not in any way represent a risk to traffic safety.	Yes.
(b)	The amount of text and information supplied on a sign should be kept to a minimum (e.g. no more than a driver can read at a short glance).	The Applicant has advised that they will control the type of advertisements that are shown on the digital screen to ensure that advertisements do not in any way represent a risk to traffic safety.	Yes.
3.3.2 Dwell time and transition time Dwell time criteria for digital signs:			
(a)	Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b) below.	The proposed development is for static images only – it does not propose to include moving images.	Yes.

Clause	Criteria	Comments	Compliance
(b)	Dwell times for image display must not be less than: (i) 10 seconds for areas where the speed limit is below 80km/h. (ii) 25 seconds for areas where the speed limit is 80km/h and over.	The Applicant's Signage Safety Assessment indicates that the proposed development will adopt a 60 second dwell time. The Department considers that this is appropriate, and an appropriate condition has been recommended.	Yes.
(c)	Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	Not Applicable.	N/A.
(d)	Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	The proposed development is for static images only – it does not propose to include moving images.	Yes.
(e)	The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	The Applicant's SEE indicates that the transition time will not be longer than 0.1 seconds. The Department considers that this is appropriate, and an appropriate condition has been recommended.	Yes.
3.3.3 Illumination and reflectance Illumination criteria for digital signs:			
(a)	Luminance levels must comply with the requirements in table below.	The proposed development has been assessed as being within Zone 4 and the Applicant's Lighting Impact Assessment identifies that the proposed development would be compliant with the Zone 4 requirements below.	Yes.

Clause	Criteria	Comments	Compliance
		The Department notes that AS/NZS 4282 has recently been updated from 2019 to 2023 and the Department has recommended a condition to require compliance with the updated Australian Standard.	
Lighting condition	Zone 1 (cd/sqm)	Zones 2 and 3 (cd/sqm)	Zone 4 (cd/sqm)
Full sun on face of signage	No limit	No limit	No limit
Daytime luminance	No limit	6000	6000
Morning and evening twilight and inclement weather	700	700	500
Night time	350	350	200
(b)	The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.	The proposed development is to include static images with no flickering or flashing content. It is not expected that the proposed development would dazzle drivers.	Yes.
3.3.4 Interaction and sequencing			
(a)	The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	<p>The proposed development does not propose technology that allows interaction with in-vehicle devices.</p> <p>The Department has recommended a condition to ensure compliance with this requirement.</p>	Yes / subject to a condition.

Clause	Criteria	Comments	Compliance
(b)	Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	<p>The proposed development does not propose to make drivers anticipate advertisements across this site, or other sites.</p> <p>The Department has recommended a condition to ensure compliance with this requirement.</p>	Yes / subject to a condition.

3.5.1 Road safety review of signs over 20sqm

	A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the sign's installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS the report is to be provided to the Department of Planning and Environment as well.	Whilst the advertising display area of the proposed signage is less than 20sqm, the Department has recommended a condition to ensure compliance with the requirement for a road safety check.	Yes / subject to a condition.
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3.6 Road safety guidelines for sign content

Clause	Criteria	Comments	Compliance
	<p>SEPP 64 (superseded by I&E SEPP) does not regulate the content of advertisements and signs, and does not require consent for a change in content.</p> <p>It is recommended that advertisers follow RMS advisory guidelines with respect to sign content of advertisements to be displayed along road corridors.</p>	<p>The Department has recommended a condition to require the Applicant to consider the advisory guidelines with respect to the content of advertisements would be displayed on the proposed development.</p>	<p>Yes / subject to a condition.</p>

4.1 Public Benefit Test

	<p>The public benefit test is an assessment of how the local community will benefit as a result of the display of the advertisement, and must be applied to an advertising proposal if:</p> <p>(a) the display of the advertisement is by or on behalf of RMS or TfNSW, Sydney Trains and NSW Trains</p> <p>(b) the advertisement is to be displayed along a tollway</p> <p>(c) the advertisement is to be displayed on a bridge</p> <p>(d) the advertisement requires RMS concurrence under SEPP 64.</p> <p>The proponent must outline in the SEE accompanying the DA what arrangements they will make to provide an appropriate public benefit (see Section 1.6.4).</p>	<p>The Applicant has provided a “Public Benefit Statement” as Appendix 5 of the Statement of Environmental Effects.</p> <p>The consent authority (the Minister, or as delegated) must be satisfied that the Applicant has sufficiently demonstrated that there will be a public benefit and considered the benefit before approval can potentially be given for a proposed development.</p> <p>The Department considers that expenditure from the proposed development is sufficient to meet the intention of the Public Benefit Test.</p>	<p>Yes.</p>
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Clause	Criteria	Comments	Compliance
	<p>The consent authority (either the Minister for Planning or the council) will determine whether the applicant has sufficiently demonstrated that the proposed advertisement will contribute an appropriate public benefit.</p> <p>Public benefits, along with other matters identified in the SEPP (Clause 13), must be considered by a consent authority before approval can be given for the advertising development.</p>		

4.2 What is an appropriate public benefit?

	<p>The level of public benefit for a given SEPP 64 advertisement is to be negotiated and agreed upon between the consent authority and the applicant.</p> <p>The public benefit can be provided as a monetary contribution or as an 'in-kind' contribution. Both monetary and in-kind contributions must be linked to improvements in local community services and facilities including benefits such as:</p> <ul style="list-style-type: none"> - improved traffic safety (road, rail, bicycle and pedestrian) - improved public transport services 	<p>The Public Benefit Statement states:</p> <p>"The installation of this sign at Newtown will continue to provide a valuable revenue stream to Sydney Trains which will continued to be used to support a number of improvements and maintenance programs in accordance with the public benefit test provisions identified in Industry and Employment SEPP and the Guidelines".</p> <p>There is a minor statement to the effect that the proposed development may be used in an emergency to display public safety messages, as well as to inform the public for what may be Sydney Trains operational messaging re disruptions and station emergencies etc.</p> <p>The description of the intended expenditure lacks detail, however the Departments considers that the</p>	Yes.
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Clause	Criteria	Comments	Compliance
	<ul style="list-style-type: none"> - improved public amenity within, or adjacent to, the transport corridor - support school safety infrastructure and programs - other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages. 	<p>general intent of the expenditure is acceptable.</p> <p>The Department has recommended a condition requiring the Applicant to record the total amount of outdoor advertising revenue and how this revenue has been applied to provide a public benefit, including specific works to which the funds from this project have been, or are to be, applied.</p>	

4.2.1 RMS and TfNSW, Sydney Trains and NSW Trains advertising

	As proponents of outdoor advertising, RMS and TfNSW, Sydney Trains and NSW Trains must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The Department has recommended a condition of consent requiring the advertising structure be made available for the display of community, road safety and emergency messages.	Yes.
	RMS and TfNSW, Sydney Trains and NSW Trains must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended as a condition of consent.	Yes.

Clause	Criteria	Comments	Compliance
	<p>For TfNSW, Sydney Trains and NSW Trains, railway station upgrades (e.g. providing wheelchair access) and rail crossings (e.g. installation of lights or gates) or other rail safety measures may be considered priority works. Amenity improvements along rail corridors including landscaping, litter removal, or vandalism and graffiti management may also be considered appropriate public benefits.</p>	<p>The Applicant's Public Benefit Statement generally notes the various types of works which can be viewed as a public benefit.</p> <p>The Public Benefit Statement states that the funds from the proposed development will be used generally in improvement and maintenance programmes.</p> <p>The Department considers that the statement of intent for the expenditure of funds is sufficient for the proposed development.</p>	Yes.
	<p>RMS and TfNSW, Sydney Trains and NSW Trains must consult with the relevant councils to identify and prioritise the public benefit works to be delivered through the program on a regional or subregional basis.</p>	<p>The Public Benefit Statement does not provide evidence that consultation has occurred.</p> <p>The Department considers that the overall benefit to the community in improvements and maintenance programmes outlined in the Applicants Public Benefit Statement is required and needed.</p> <p>The Department considers that the lack of proof of consultation with Council is a minor discrepancy that can be accepted.</p>	Partial.

Table F-7 | State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause	Criteria	Comments	Compliance
2.98 Development adjacent to rail corridors	<p>(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development —</p> <p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor, or</p> <p>(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</p>	<p>The proposed development is located within an established rail corridor.</p> <p>During operation the proposed development is unlikely to have an adverse effect on rail safety.</p> <p>The proposed development does not involve the placement on a metal finish on a structure and the adjacent corridor is utilised by electric trains.</p> <p>The construction of the proposed development would involve the use of a crane and be located within 5 meters (1.6 metres) of an overhead electricity line. However, the nearby overhead electricity line is not used for the purpose of railways or rail infrastructure facilities.</p>	Yes.
	<p>(2) Before determining a development application for development to which this section applies, the consent authority must —</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration —</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>The appropriate rail authority for the purposes of the SEPP is TfNSW. The proposed signage was referred to TfNSW for advice. TfNSW recommended conditions of consent however none related to the rail corridor.</p> <p>An assessment against the relevant aspects of the <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> is provided in Table F-8.</p> <p>TfNSW also recommended that the design and operation of the proposed sign be in accordance with the 2017 Guidelines. The Department's assessment against the 2017 Guidelines is presented in Table F-6.</p>	Yes.

Clause	Criteria	Comments	Compliance
2.99 Excavation in, above, below or adjacent to rail corridors	<p>(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land –</p> <p>(a) within, below or above a rail corridor, or</p> <p>(b) within 25m (measured horizontally) of a rail corridor, or</p> <p>(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</p> <p>(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p>	<p>The proposed development is within the rail corridor. In addition, the proposed work includes boring a 750-millimetre diameter pile 8 metres deep within a rail corridor. As such, this section applies.</p>	
	<p>(2) Before determining a development application for development to which this section applies, the consent authority must –</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration –</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>As noted under item 2.98, written notice was made to TfNSW who is the relevant rail authority under the SEPP.</p> <p>TfNSW recommended conditions of consent however none related to the rail corridor.</p>	Yes.
	<p>(3) Subject to subsection (5), the consent authority must not grant</p>	<p>The rail authority, TfNSW, was notified. TfNSW did not grant or refuse to grant</p>	Yes.

Clause	Criteria	Comments	Compliance
	consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.	concurrence. Under section 2.99(5)(b), a consent authority may grant consent without the concurrence of the rail authority if 21 days have passed since the consent authority gave notice under subsection 2(a) and the rail authority has not granted or refused to grant concurrence.	
2.119 Development with frontage to classified road	<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that —</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of —</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The proposed signage would have a frontage to a classified road, Enmore Road (No. 167). Vehicular access would only be required during construction, and this would be under a road occupancy licence.</p> <p>The proposed development would not adversely affect the safety, efficiency and ongoing operation of the road as operation of the sign will not create smoke or dust, operation of the sign will not generate and require vehicles to frequently access the site, and the development is not sensitive to traffic noise or vehicle emissions.</p>	Yes.

Table F-8 | Development near rail corridors and busy roads – interim guideline 2008

Clause	Consideration	Compliance
5.1 Essential early requirements	<p>The proposed development has been designed in consultation with TfNSW and has included safe design practises and surveying to inform the design.</p> <p>The Applicant is expected to have addressed any internal TfNSW design reviews.</p>	Yes.
5.2 Electrolysis	The Department has recommended a condition requiring the Applicant to submit details of the signage, and structural drawings prepared and signed by a suitably qualified practicing Structural Engineer, to Sydney Trains' (or TfNSW, as relevant) Delegated Design Authority for review.	Yes / subject to a condition.
5.3 Cranes	The proposed development is located in an existing rail corridor. Conditions of consent are recommended to ensure that the signage will comply with the interim guideline, including ensuring appropriate approval is in place for the operation of cranes.	Yes / subject to a condition.
5.4 Safe access for maintenance	The rear of the sign will be accessed by placing a new door in the Sydney Trains fence behind the sign with a new steel walkway added between the door and the signs column. A condition has been recommended requiring the preparation of a maintenance plan, including an environmental and safety risk assessment.	Yes / subject to a condition.
5.5 Stormwater Management	The proposed development would not alter or increase the stormwater flow at the site.	Yes.
5.6 Vandalism	It is not expected that the proposed development would increase the opportunity for vandalism.	Yes.
5.7 Graffiti	<p>It is not expected that the proposed development would increase the opportunity for graffiti. The Applicant has advised that hoarding would not be erected during construction.</p> <p>A condition has been recommended requiring the owner/manager of the site or sign to remove all graffiti from the advertising structure.</p>	Yes / subject to a condition.

Clause	Consideration	Compliance
5.8 Lighting, external finishes and design	The proposed development faces onto a classified road and this has been considered within the design, including compliance with AS/NZS 4282:2023.	Yes.
5.9 Structures in the rail corridor	A condition has been recommended to ensure compliance with any TfNSW / Sydney Trains operational requirements.	Yes / subject to a condition.
5.10 Derailment protection of structures	A condition has been recommended to ensure demonstrated compliance with any TfNSW/Sydney Trains operational requirements or Australian standards.	Yes / subject to a condition.
5.11 Electrocutation – overhead wiring	A condition has been recommended requiring construction to be in accordance with the relevant requirements of the National Construction Code, any applicable Australian Standards and to be designed and certified by a suitably qualified and practicing structural engineer and a suitably qualified and practicing geotechnical engineer. A condition has been recommended to ensure demonstrated compliance with any TfNSW/Sydney Trains operational requirements.	Yes.
5.12 Underground electrical services	<p>The Applicant has advised that an underground services search (DBYD) and geo-technical investigations will be undertaken prior to commencement of works.</p> <p>A condition has been recommended requiring structural work to be designed and certified structural engineer and a suitability suitably qualified and practicing geotechnical engineer.</p>	Yes / subject to a condition.
5.13 Track closures, power outages and corridor access	<p>The proposed development will not require a track closure or power outage.</p> <p>A condition has been recommended to ensure demonstrated compliance with any TfNSW/Sydney Trains operational requirements or Australian standards.</p>	Yes / subject to a condition.

Inner West LEP

The proposed development is located on land that is zoned as SP2 Infrastructure – Railway under the Inner West LEP. The objectives of the SP2 Infrastructure – Railway zoning are:

- to provide for infrastructure and related uses
- to prevent development that is not compatible with or that may detract from the provision of infrastructure
- to protect and provide for land used for community purposes, and
- to provide for public, community and social infrastructure.

Permissible uses (with consent) in the SP2 Infrastructure – Railway zoning are:

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Aquaculture; Environmental protection works; Recreation areas; Roads.

The purpose shown on the Land Zoning Map is “Rail Infrastructure Facilities” and the proposed development is both ordinarily incidental to, and ancillary to, the primary railway purpose.

Regardless, Section 3.14 of the Industry and Employment SEPP provides that the display of an advertisement by Sydney Trains in a rail corridor is permissible with development consent.

Section 5.10 of the Inner West LEP requires that consent is required for work on heritage items and that a consent authority considers the potential impacts to heritage from any development. Heritage has been addressed in **Section 5.3** of the Assessment Report. The Department has concluded that the proposed development would not impact heritage.

Marrickville DCP 2011

The proposed development is located on land that, consequent to Section 4.15(3)(c) of the EP&A Act, the consent authority must consider the requirements of the Marrickville DCP. The relevant sections of the Marrickville DCP are considered in **Table F-9**.

Table F-9 | Marrickville Development Control Plan (2011) 2.12 (relevant sections)

Clause	Criteria	Comments	Compliance
C. Controls 1) General	<p>The following are generally prohibited</p> <ul style="list-style-type: none"> i. Advertising involving flashing or moving signs; ii. Any sign not permanently fixed to the premises; iii. Any sign which would adversely affect traffic lights or obstruct motorists' vision at an intersection or entering or leaving a vehicle crossing; iv. Signs extending over street boundaries, other than those permitted in conjunction with shops or the like where buildings are erected on the street alignment and pole or pylon signs; v. Any underawning sign in excess of 2500mm x 400mm; vi. Signs at a lower level than 2600mm above the footpath; vii. Other than under awning and top hamper signs, any signs illuminated between 10.00pm and 7.00am (the following day) on land in or abutting residential zoned areas or that adjoins a predominately residential use; viii. Advertising on garbage bins, telegraph posts and other surfaces of a public nature, except by prior contractual arrangement with Council; and 	<p>The proposed development will not involve flashing or moving signs.</p> <p>The proposed development will be a permanently fixed structure.</p> <p>The proposed development has been assessed from a safety perspective and the Applicant's assessment has found that there would not be any major road safety issues resulting from the installation of the proposed digital sign.</p> <p>The proposed development will not extend over a street boundary.</p> <p>Item v. is not applicable</p> <p>The advertising display area has a height clearance higher than 2600mm above the adjacent footpath. The proposed sign would not protrude laterally over the footpath</p> <p>The proposed sign would comply with maximum nighttime luminance levels. The Department considers that the site is suitable for the proposed sign given its location within a busy commercial area.</p> <p>Item viii. is not applicable</p> <p>The proposed development is located within the rail corridor and would not impede pedestrian or vehicular traffic.</p>	Yes.

Clause	Criteria	Comments	Compliance
	ix. A-Board (sandwich boards) on public footpaths or roadways where the placement of such signs would impede pedestrian or vehicular traffic.		
C2	Sign writing must be limited to the street number, name and general nature of the business.	Not applicable.	N/A.
C3	<p>Signage location</p> <p>i. Where original sign panels have been incorporated into the parapet of the building facade, these must be retained and, where possible, used for identifying the name, year of construction or nature of the business;</p> <p>ii. The scale and location of a sign must be compatible with the architectural design of the building to which it is affixed and consider nearby buildings, streets and other existing signs. Important architectural features must not be obscured by signage and must remain the dominant feature of the facade.</p> <p>iii. Signage must be located to facilitate ease of use in a simple and intuitive manner;</p> <p>iv. The name and address of the premises must be displayed in a position clearly visible from the street and/or service lane to assist identification and deliveries;</p>	Not applicable.	N/A.

Clause	Criteria	Comments	Compliance
	<p>v. Signage must not extend into the corridor of string of pearl lights (also known as white -way lighting) and be closer than 700mm to the light fitting;</p> <p>vi. The main facades of the building between the awning and parapet must be uncluttered and generally free of signage except where located within original sign panels;</p> <p>vii. The number of existing signs on a building, site or adjoining streetscape must be considered to ensure the new sign does not give rise to visual and/or physical clutter;</p> <p>viii. In deciding the location for a sign, the view of the sign and any supporting structure, cabling and conduit from all angles must be considered including visibility from the street and nearby higher buildings and against the skyline; and</p> <p>ix. The sign must not be supported from, hung from or placed on other signs.</p>		
C4	<p>Signage colour</p> <p>i. Development consent is required for any colour scheme, lighting scheme or external change to the appearance of a building that constitutes advertising (such as painting of a building to the corporate colour or</p>	Not applicable.	N/A.

Clause	Criteria	Comments	Compliance
	<p>brand, traditional painted signs such as red and white stripes to indicate a barbers' pole and the like). In considering such development applications, Council will consider whether the sign meets the objectives and controls of this section and other relevant sections of this DCP; and</p> <p>ii. The colour used in the design of an advertising sign or structure must be compatible with the colour scheme of the building to which it will be attached.</p>		
C5	<p>Corporate colours, logos and other graphics are only acceptable where they are restricted to an advertising sign.</p> <p>i. Excessive or special illumination schemes expressly designed for the purpose of promoting the business, activity or product, both on and within buildings (including windows and doorway s) and sites, are not permitted.</p> <p>ii. Illuminated signs must not detract from the architecture of the supporting building during daylight.</p> <p>iii. Illumination (including cabling) of signs must be concealed or integrated with the sign or provided by means of carefully designed and located spot lights.</p>	The proposed development is for an advertising sign.	Yes.

Clause	Criteria	Comments	Compliance
	<p>iv. The ability to adjust the light intensity of illuminated signs may be required to be installed where Council considers it necessary.</p> <p>v. Any external lighting of the signs must be downward pointing and focused directly on the sign and must prevent or minimise the escape of light beyond the sign.</p>		
C6	<p>Animated signs may be appropriate temporarily in association with special events of a community, religious or cultural nature. If an animated sign is considered appropriate, the following controls apply:</p> <p>i. The animated sign must achieve design excellence, be compatible with the architectural design of the supporting building and its use and have regard for the character of the streetscape and locality generally.</p> <p>ii. Animated signs will not be permitted in places where, in the opinion of Council, there is the potential for the sign to adversely impact upon the amenity of residential accommodation, tourist and visitors' accommodation, or the public domain. iii. Animated signs must not be placed on heritage items or in heritage conservation areas or in areas zoned primarily for residential purposes. iv. Signs that achieve their animation through lighting effects must comply with the illuminated signs provision under</p>	Not applicable.	N/A.

Clause	Criteria	Comments	Compliance
	<p>C1. v. The design and operation of any laser must be in accordance with relevant Australian Standards.</p> <p>vi. In some instances, Council may request a practical demonstration of an animated sign prior to the approval of such application.</p>		
2.12.4.4 Signage in SP1, SP2, RE1, RE2, E2 AND W1	<p>Advertising in SP1, SP2, RE1, RE2, E2 and W1 zones will only be permitted:</p> <p>i. Where the applicant shows a justifiable need;</p> <p>ii. Where the amenity of the area will not be detrimentally affected; and</p> <p>iii. After consideration of the general merits or otherwise of the application.</p>	<p>The site is located on land zoned SP2 – Infrastructure.</p> <p>While the Applicant has not shown a justifiable need for the proposed sign, it will generate revenue for Sydney Trains which will support Sydney Trains’ improvements and maintenance programs.</p> <p>The Department considers that the sign would have a negligible or minor impact on the amenity of the area, subject to the recommended conditions of consent.</p> <p>The merits of the proposed development have been considered in Section 5 and Section 6.</p>	Partial.
2.12.4.9 Signage on heritage items and in heritage conservation areas – C36 Signage	<p>i. Commercial/retail precinct</p> <p>Signs within commercial zones and established retail strips must comply with the signage controls for commercial areas stated earlier in this section of the DCP and any other controls prescribed under the relevant HCA.</p>	<p>The proposed sign complies with the signage controls for commercial areas stated earlier in this section of the DCP.</p>	Yes.

Clause	Criteria	Comments	Compliance
strategy in HCAs			
2.12.6 Advisory note	Corporations and franchisers should consult with Council before submitting a development application for signage. Standard modules may not be acceptable in particular business centres. In such instances it may be more appropriate to consider the design of a one-off design which reinforces the cultural and visual setting of the centre.	<p>The Applicant has not consulted with Council prior to submitting this development application. The sign would be in the newly designed portrait style known as the Aspire, which has recently been installed elsewhere in Sydney.</p> <p>The Department considers that the proposed sign has a high-quality and simple design which would not detract from the cultural and visual setting of the area.</p>	No.
8.2.4.5 Signage			
C1	Signage must be located within bays created by facade articulation, and be compatible with the geometry and proportion of those bays.	Not applicable – the proposed sign would not be attached to a building.	N/A.
C2	Signage must not obscure important architectural features.	The proposed sign is a stand-alone item. It would not obscure any architectural features of surrounding build form.	Yes.
C3-C15		Not applicable.	N/A.

Appendix G – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/daex/under-consideration/digital-advertising-signage-intersection-enmore-road-and-king-street-newtown-da-227946>